

United States  
/S  
Circuit Court of Appeals  
For the Ninth Circuit.

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CHING KAM SING,

Appellant,

vs.

RICHARD L. HALSEY, as Immigration Inspector in Charge at the Port of Honolulu,  
Appellee.

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Transcript of Record.

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Upon Appeal from the United States District Court  
for the Territory of Hawaii.

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FILED

JAN 5 - 1922

F. D. MONGKTON,  
Clerk.



United States  
Circuit Court of Appeals  
For the Ninth Circuit.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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**Names and Addresses of Attorneys of Record.**

For Petitioner, CHING YAM SING:

WATSON & CLEMONS, Honolulu, Hawaii.

For RICHARD L. HALSEY, Esq., Respondent:

S. C. HUBER, Esq., United States Attorney,  
N. D. GODBOLD, Esq., Assistant United  
States Attorney, Honolulu, Hawaii. [1\*]

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In the District Court of the United States in and  
for the District and Territory of Hawaii.

No. 152.

In the Matter of the Application of CHING YAM  
SING for a Writ of Habeas Corpus in Be-  
half of LEE WAH LEONG and LEE WAH  
KI.

**Statement.**

December 4, 1919: Verified petition for writ of  
habeas corpus filed and order to show cause issued.  
Acceptance of service by U. S. Attorney for re-  
spondent, R. L. Halsey.

**NAMES OF ORIGINAL PARTIES.**

CHING YAM SING, Petitioner.

RICHARD L. HALSEY, Respondent.

**DATES OF FILING OF THE PLEADINGS.**

December 4, 1919: Petition.

December 8, 1919: Return of respondent.

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\*Page-number appearing at foot of page of original certified Transcript  
of Record.

**ISSUANCE OF PROCESS:**

December 4, 1919: Order to show cause.

January 26, 1920: Writ of habeas corpus.

Acceptance of service as to above by U. S. Attorney.

**HEARINGS:**

December 9, 1919: Hearing on return to order to show cause.

February 13, 1920: Hearing, testimony taken.

March 5, 1920: Further hearing, cause submitted.

July 30, 1920: Proceedings at decision.

Hearings had before J. B. Poindexter and Horace W. Vaughan, Presiding Judges. [2]

July 31, 1920: Judgment filed and entered.

July 31, 1920: Petition for appeal and order allowing same filed.

United States of America,  
District of Hawaii,—ss.

I, Wm. L. Rosa, clerk of the United States District Court for the Territory of Hawaii, do hereby certify the foregoing to be a full, true and correct statement showing the time of commencement of the above-entitled suit; the names of the original parties thereto; the several dates when the respective pleadings were filed; and account of the proceedings showing the service of the order to show cause, writ and habeas corpus and the time when the judgment herein was rendered and the Judge rendering same, in the matter of the application of Ching Yam Sing for a writ of habeas corpus in behalf of Lee Wah

Leong and Lee Wah Ki, Number 152, in the United States District Court for the Territory of Hawaii.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court this 10th day of August, A. D. 1921.

[Seal]

WM. L. ROSA,

Clerk, United States District Court, Territory of Hawaii. [3]

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In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Order Extending Time to and Including September 29, 1920, to Transmit Record on Appeal.**

On this 30th day of August, 1920, it appearing that it is impracticable for the Clerk of this court to prepare and transmit to the Clerk of the Ninth Circuit Court of Appeals at San Francisco, California, the transcript of record on appeal and on assignment of errors in the above-entitled cause, within the time limited therefor by the citation issued herein,—

It is ORDERED that the time within which the Clerk of this court shall prepare and transmit said transcript, together with said assignment of errors and all papers required by the praecipe of plaintiff

in error herein, to the Clerk of said Court of Appeals, be, and it is hereby extended to September 29, 1920.

Honolulu, August 30, 1920.

J. B. POINDEXTER,  
Judge, United States District Court, Territory of Hawaii.

Filed Aug. 30, '20. A. E. Harris, Clerk. By Wm. L. Rosa, Deputy. [4]

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In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Order Extending Time to and Including October 29, 1920, to Transmit Record on Appeal.**

On this 29th day of September, 1920, it appearing that it is impracticable for the Clerk of this court to prepare and transmit to the Clerk of the Ninth Circuit Court of Appeals at San Francisco, California, the transcript of record on appeal and on assignment of errors in the above-entitled cause, within the time limited therefor by the citation issued herein,—

It is ORDERED that the time within which the Clerk of this court shall prepare and transmit said

transcript, together with said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the Clerk of said Court of Appeals, be, and it is hereby extended to October 29, 1920.

Honolulu, September 29, 1920.

J. B. POINDEXTER,

Judge, United States District Court, Territory of Hawaii.

Filed Sept. 29, '20. A. E. Harris, Clerk. By Wm. L. Rosa, Deputy. [5]

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In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Order Extending Time to and Including November 27, 1920, to Transmit Record on Appeal.**

On this 29th day of October, 1920, it appearing that it is impracticable for the Clerk of this court to prepare and transmit to the Clerk of the Ninth Circuit Court of Appeals at San Francisco, California, the transcript of record on appeal and on assignment of errors in the above-entitled cause, within the time limited therefor by the citation issued herein,—

It is ORDERED that the time within which the Clerk of this court shall prepare and transmit said transcript, together with said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the Clerk of said Court of Appeals, be, and it is hereby extended to November 27, 1920.

Honolulu, October 29, 1920.

J. B. POINDEXTER,  
Judge, United States District Court, Territory of Hawaii.

Filed Oct. 29, '20. A. E. Harris, Clerk. By Wm. L. Rosa, Deputy. [6]

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In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Order Extending Time to and Including December 27, 1920, to Transmit Record on Appeal.**

On this 27th day of November, 1920, it appearing that it is impracticable for the Clerk of this court to prepare and transmit to the Clerk of the Ninth Circuit Court of Appeals at San Francisco, California, the transcript of record on appeal and on assignment of errors in the above-entitled cause,

within the time limited therefor by the citation issued herein,—

It is ORDERED that the time within which the Clerk of this court shall prepare and transmit said transcript, together with said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the Clerk of said Court of Appeals be, and it is hereby extended to December 27, 1920.

Honolulu, November 27, 1920.

J. B. POINDEXTER,

Judge, United States District Court, Territory of Hawaii.

Filed Nov. 27, '20. A. E. Harris, Clerk. By Wm. L. Rosa, Deputy. [7]

---

**In the United States District Court for the Territory of Hawaii.**

**In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.**

**Order Extending Time to and Including January 26, 1921, to Transmit Record on Appeal.**

On this 27th day of December, 1920, it appearing that it is impracticable for the Clerk of this court to prepare and transmit to the Clerk of the Ninth Circuit Court of Appeals at San Francisco, Cali-

fornia, the transcript of record on appeal and on assignment of errors in the above-entitled cause, within the time limited therefor by the citation issued herein,—

It is ORDERED that the time within which the Clerk of this court shall prepare and transmit said transcript, together with said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the Clerk of said Court of Appeals, be, and it is hereby extended to January 26, 1921.

Honolulu, December 27, 1920.

J. B. POINDEXTER,  
Judge, United States District Court, Territory of  
Hawaii.

Filed Dec. 27, '20. A. E. Harris, Clerk. By Wm. L. Rosa, Deputy. [8]

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In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Order Extending Time to and Including February 25, 1921, to Transmit Record on Appeal.**

On this 26th day of January, 1921, it appearing that it is impracticable for the Clerk of this court

to prepare and transmit to the Clerk of the Ninth Circuit Court of Appeals at San Francisco, California, the transcript of record on appeal and on assignment of errors in the above-entitled cause, within the time limited therefor by the citation issued herein,—

It is ORDERED that the time within which the Clerk of this court shall prepare and transmit said transcript, together with said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the Clerk of said Court of Appeals, be, and it is hereby extended to February 25, 1921.

Honolulu, January 26, 1921.

J. B. POINDEXTER,

Judge, United States District Court, Territory of Hawaii.

Filed Jany. 26, '21. A. E. Harris, Clerk. By Wm. L. Rosa, Deputy. [9]

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In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Order Extending Time to and Including March 26, 1921, to Transmit Record on Appeal.**

On this 25th day of February, 1921, it appearing

that it is impracticable for the Clerk of this court to prepare and transmit to the Clerk of the Ninth Circuit Court of Appeals at San Francisco, California, the transcript of record on appeal and on assignment of errors in the above-entitled cause, within the time limited therefor by the citation issued herein,—

It is ORDERED that the time within which the Clerk of this court shall prepare and transmit said transcript, together with said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the Clerk of said Court of Appeals, be, and it is hereby extended to March 26, 1921.

Honolulu, February 25, 1921.

J. B. POINDEXTER,  
Judge, United States District Court, Territory of  
Hawaii.

Filed Feby. 25, '21. A. E. Harris, Clerk. By  
Wm. L. Rosa, Deputy. [10]

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In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Order Extending Time to and Including April 25, 1921, to Transmit Record on Appeal.**

On this 26th day of March, 1921, it appearing

that it is impracticable for the Clerk of this court to prepare and transmit to the Clerk of the Ninth Circuit Court of Appeals at San Francisco, California, the transcript of record on appeal and on assignment of errors in the above-entitled cause, within the time limited therefor by the citation issued herein,—

It is ORDERED that the time within which the Clerk of this court shall prepare and transmit said transcript, together with said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the Clerk of said Court of Appeals, be, and it is hereby extended to April 25, 1921.

Honolulu, March 26, 1921.

J. B. POINDEXTER,

Judge, United States District Court, Territory of Hawaii.

Filed Mar. 26, '21. A. E. Harris, Clerk. By Wm. L. Rosa, Deputy. [11]

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In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Order Extending Time to and Including May 25, 1921, to Transmit Record on Appeal.**

On this 25th day of April, 1921, it appearing that it is impracticable for the Clerk of this court to prepare and transmit to the Clerk of the Ninth Circuit Court of Appeals at San Francisco, California, the transcript of record on appeal and on assignment of errors in the above-entitled cause, within the time limited therefor by the citation issued herein,—

It is ORDERED that the time within which the Clerk of this court shall prepare and transmit said transcript, together with said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the Clerk of said Court of Appeals, be, and it is hereby extended to May 25, 1921.

Honolulu, April 25, 1921.

J. B. POINDEXTER,  
Judge, United States District Court, Territory of  
Hawaii.

Filed Apr. 25, '21. Wm. L. Rosa, Clerk. [12]

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In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Order Extending Time to and Including June 24, 1921, to Transmit Record on Appeal.**

On this 25th day of May, 1921, it appearing that it is impracticable for the Clerk of this court to prepare and transmit to the Clerk of the Ninth Circuit Court of Appeals at San Francisco, California, the transcript of record on appeal and on assignment of errors in the above-entitled cause, within the time limited therefor by the citation issued herein,—

It is ORDERED that the time within which the Clerk of this court shall prepare and transmit said transcript, together with said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the Clerk of said Court of Appeals, be, and it is hereby extended to June 24, 1921.

Honolulu, May 25, 1921.

J. B. POINDEXTER,

Judge, United States District Court, Territory of Hawaii.

Filed May 25, '21. Wm. L. Rosa, Clerk. [13]

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In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Order Extending Time to and Including July 24, 1921, to Transmit Record on Appeal.**

On this 24th day of June, 1921, it appearing and it is impracticable for the Clerk of this court to prepare and transmit to the Clerk of the Ninth Circuit Court of Appeals at San Francisco, California, the transcript of record on appeal and on assignment of errors in the above-entitled cause, within the time limited therefor by the citation issued herein,—

It is ORDERED that the time within which the Clerk of this court shall prepare and transmit said transcript, together with said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the Clerk of said Court of Appeals, be and it is hereby extended to July 24, 1921.

Honolulu, June 24, 1921.

J. B. POINDEXTER,  
Judge, United States District Court, Territory of  
Hawaii.

Filed June 24, 1921. Wm. L. Rosa, Clerk. [14]

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In the United States District Court for the Territory of Hawaii. In the Matter of the Application of Ching Yam Sing for a Writ of Habeas Corpus. Order Extending Time to Transmit Record on Appeal. Filed July 24, '21. Wm. L. Rosa, Clerk. [15]

In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Order Extending Time to and Including August 23, 1921, to Transmit Record on Appeal.**

Now, on this 24th day of July, 1921, it appearing from the representations of the Clerk of this Court that it is impracticable for said Clerk to prepare and transmit to the Clerk of the Ninth Circuit Court of Appeals, at San Francisco, California, the transcript of the record on assignment of error in the above-entitled cause, within the time limited therefor by the citation heretofore issued in this cause—

It is ORDERED that the time within which the Clerk of this Court shall prepare and transmit said transcript of the record on assignment of error in this cause, together with the said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the Clerk of the Ninth Circuit Court of Appeals, be, and the same is hereby extended to August 23, 1921.

Dated at Honolulu, Hawaii, July 24, 1921.

HORACE W. VAUGHAN.

Judge U. S. District Court, Hawaii. [16]

In the United States District Court for the Territory of Hawaii. In the Matter of the Application of Ching Yam Sing for a Writ of Habeas Corpus in Behalf of Lee Wah Leong and Lee Wah Ki. Petition. Filed Dec. 4, 1919, at 3 o'clock and 20 minutes P. M. A. E. Harris, Clerk. (Sgd.) Wm. L. Rosa, Deputy Clerk. Watson & Clemons, Attorneys for Applicant, 416-418 Kauikeolani Building, Honolulu, T. H.

Due and legal service of the above petition and of the order to show cause issued herein is hereby accepted and copies of said petition and order received.

Dated this 4th day of December, 1919.

RICHARD L. HALSEY,  
Respondent.

By (Sgd.) S. C. HUBER,  
U. S. Atty.,  
His Atty. [17]

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In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Petition for Writ of Habeas Corpus.**

To the Honorable HORACE W. VAUGHN, Judge of said Court:

The petition of Ching Yam Sing respectfully shows:

1. That he is a resident of Honolulu, City and County of Honolulu, Territory of Hawaii, and the friend of Lee Wah Leong and Lee Wah Ki herein-after named, and makes this petition by and with their authority and on their behalf, and acting also for and on behalf of Lee Wah Koon, cousin and foster father of said Lee Wah Leong and Lee Wah Ki, said Lee Wah Koon being absent on the Island of Maui.

2. That said Lee Wah Leong and Lee Wah Ki are minors of the respective ages of 15 years and 14 years, and are American citizens, both born on the Island of Maui in said Territory.

3. That they are imprisoned and unlawfully and without authority of law restrained of their liberty by Richard L. Halsey, Esquire, Inspector in Charge of the United States Immigration Station at the Port of Honolulu aforesaid.

4. That said minors are not imprisoned or restrained of their liberty under any process, judgment, decree, or execution of any competent court or tribunal of civil or criminal jurisdiction. [18]

5. That the true cause or pretense of the imprisonment or restraint aforesaid is a certain order of a Board of Special Inquiry of said Immigration

Station made, to wit, October 6th, 1919, denying the said minors admission into the United States on the ground of failure of each of said minors to show his birth in Hawaii, as alleged, and a certain order of the Secretary of Labor of the United States of America thereafter made affirming said order of said Board.

6. That said order of said Board and of said Secretary of Labor was based upon a so-called hearing before said Board, but that said hearing was unfair, and was a mere semblance of a hearing.

7. That at said hearing each of said minors established a *prima facie* case of citizenship, and is therefore entitled to have the legality of his said detention and restraint determined by a judicial tribunal.

8. That the showing of each of said minors at said hearing was not only such as to establish a *prima facie* case, but was such that there was no reason to doubt the fact of his identity as the person born in Hawaii whom he claimed to be.

9. That the Immigration officers aforesaid were, among other grounds of unfairness apparent in the record on said hearing, which record is hereinafter referred to, unfair particularly in this, that they based their ruling aforesaid on alleged discrepancies which were trivial and inconsequential and on immaterial matters, and also on alleged discrepancies and uncertainties which were fairly explained away.

[19]

9. That said hearing before said Board was,

also, unfair, in that said Board based their adverse finding on the fact of the absence of any showing, in the passenger lists of departing steamers of the departure of said minors from Hawaii for China, which departure is and was claimed by said minors, but said Board did not make a full and complete search of such steamship records, as appears by reference to the Record aforesaid on pages 20 and 3 thereof, the testimony having been that said minors went to China in 1907 (Record, page 3), but the search of steamship records made by the Board covering only six months of that year (Record, page 20).

10. That from said adverse ruling of said Board, said minors appealed to the Secretary of Labor, who affirmed said ruling and thereby ratified the unfairness of said Board and failed to give to said minors a fair hearing of their alleged claims of citizenship.

11. That hereto annexed and made part hereof is a copy of said record, which is the record on which said appeal to the Secretary of Labor was taken.

WHEREFORE, the petitioner prays that a Writ of Habeas Corpus be issued out of this Honorable Court commanding the said Richard L. Halsey to have and produce the bodies of said minors before this Court at time and place as it may direct, and that as soon as allowable by law said minors may be enlarged upon bond in such amount as may be deemed reasonable by your Honor.

Honolulu, December 4, 1919.

(Sgd.) CHING YAM SING,  
Petitioner.

WATSON & CLEMONS,  
416-418 Kauikeolani Building,  
Honolulu, T. H.  
Attorneys for Petitioner. [20]

United States of America,  
Territory of Hawaii,  
City and County of Honolulu,—ss.

Ching Yam Sing, being first duly sworn on oath, deposes and says, that he is the petitioner herein, and that he has heard read the foregoing petition and that the same is true to the best of his knowl-edg, information and belief.

(Sgd.) CHING YAM SING.

Subscribed and sworn to before me this 4th day of December, A. D. 1919.

[Notarial Seal] (Sgd.) J. R. KENNY,  
Notary Public, First Judicial Circuit, Territory of Hawaii. [21]

U. S. IMMIGRATION SERVICE.  
No. 4382—598.

Port of Honolulu, T. H.,  
October 8, 1919.

Inspector in Charge,  
U. S. Immigration Service,  
Honolulu, T. H.

Having been denied admission to the United States by the Board of Special Inquiry, and being

informed that we have the right of appeal from the excluding decision, we hereby give notice of our intention to avail ourselves of that right and do hereby appeal from the decision of the Board of Special Inquiry denying us admission to the Secretary of Labor.

(Sgd.) LEE WAH LEONG.

(Sgd.) LEE WAH KI.

Let order to show cause why the writ of habeas corpus should not be granted as prayed for issue, returnable on the 9th day of December, A. D. 1919, at 10 o'clock A. M.

(Sgd.) HORACE W. VAUGHAN,  
Judge. [22]

4382, 593.

U. S. IMMIGRATION SERVICE,  
PORT OF HONOLULU,  
T. H.

RECORD OF BOARD OF SPECIAL INQUIRY  
—CONVENED SEPTEMBER 11, 1919.

Members of Board: HARRY B. BROWN, Chairman; EDWIN FARMER and RICHARD L. HALSEY.

Cases of LEE WAH KI and LEE WAH LEONG,  
Alleged Hawaiian-born Chinese HK. 1, 2 & 4,  
ex SS. "SHINYO"—September 3, 1919.

Interpreter—HEE KWONG

Stenographer—MARTHA MULLHOLLAND.

Applicant presents two affidavits sworn to by Lee Wah Koon and Lee Dai Hoo on January 21, 1918,

to the effect that the two applicants were born in Hawaii. Pictures of the applicants are attached to said affidavits. The picture of Lee Wah Leong is not very good and is insufficient to identify him with any degree of certainty. The picture of Lee Wah Ki is a fairly good likeness of that applicant. Both pictures have been copied from some other pictures.

LEE WAH LEONG sworn testifies:

(By Inspector FARMER.)

Q. What is your name and age?

A. Lee Wah Leong, no other name; 14 years old by Chinese count.

Q. What was the date of your birth?

A. 6th month, 10th day, KS. 30 (July 22, 1904).

Q. Are you sure it was KS. 30? A. Yes.

Q. Well, then, if that is the case, you are 16 by Chinese count now? A. I do not know.

Q. Do you desire to have a friend or relative present at the hearing of your case? A. No.

Q. Where were you born? A. At Maui.

Q. Where on Maui? A. Kula.

Q. Where in Kula? A. I do not remember.

Q. How do you know that you were born in Kula, Maui?

A. My aunt told me; that is the wife of my uncle.

Q. What is the name of your aunt?

A. Kan She.

Q. What is the name of your uncle, her husband?

A. Lee Wah Koon.

Q. When did she tell you that?

A. About five years ago.

Q. That was the first time that she told you, was it? A. No, before that.

Q. Did she tell you very many things?

A. Yes.

Q. Did she ever talk with you about Kula?

A. Yes.

Q. Had she herself been in Hawaii and been at Kula, Maui? A. No.

Q. Was Kan She ever in Hawaii? A. No.

Q. Then how did she know that you were born in Hawaii? A. My uncle knew.

Q. Where is your uncle now? A. In Maui.

Q. That is Lee Wah Koon? A. Yes.

Q. Did you ever see him?

A. No, except when I was very young and I cannot remember.

Q. Then Lee Wah Koon has not made any trip to China very recently has he?

A. No, but he has been back to China.

Q. If he had made a trip to China in recent years he would undoubtedly have gone to see his wife, your aunt, and would have seen you and you would have seen him, would you not? A. Yes. [23]

Q. Have you been living with your aunt in China? A. Yes, same house.

Q. Is there any other way you have of knowing that you were born in Hawaii except from the fact that your aunt told you so? A. No.

Q. Did anyone else tell you that you were born in Hawaii except her? A. No.

Q. Did she speak of it very often? A. Yes.

Q. About how old is your aunt? A. About 40.

Q. Has she any children? A. No.

Q. Did your uncle Lee Wah Koon ever have any other wife except your aunt Kan She? A. No.

Q. What is Lee Wah Koon's occupation?

A. Raising pigs.

Q. When was this picture of you on this affidavit taken? A. Six or seven years ago.

Q. How old were you then?

A. Five or six years old.

Q. Where was it taken? A. I do not remember.

Q. Why didn't you get a more recent picture?

A. Because that picture was sent to my uncle and that was all he had.

Q. Don't you remember of having a picture taken somewhere? A. I cannot remember now.

Q. Do you remember of ever having had a picture taken at any time? A. No, except this one.

Q. But you remember having this picture taken do you? A. Yes.

Q. But don't you remember where it was taken?

A. No.

Q. Where have you been living in China?

A. At Lee Yuk Bin.

Q. Was this picture taken at that place?

A. I do not remember.

Q. How long have you been living at Lee Yuk Bin? A. More than ten years.

Q. Have you made any trips away to some other village or to a city since you have been living there?

A. No.

Q. Then how could the picture have been taken at any other place?

A. I do not remember where the picture was taken.

Q. If you have been at Lee Yuk Bin for ten years and more and have never been to any other place and this picture was taken during the past ten years how can it be possible for it to have been taken anywhere else except at Lee Yuk Bin?

A. I think it was taken there.

Q. How large a place if Lee Yuk Bin?

A. A large village.

Q. Are there very many stores there?

A. About ten.

Q. Are there any photograph galleries there where they take pictures of people? A. No.

Q. Does any photographer ever come around and take pictures of people there? A. Yes.

Q. When did you decide to come to Hawaii?

A. A long time ago.

Q. Is your father living? A. No.

Q. What was his name? A. Lee Hin Kwai.

Q. What was his other name?

A. Lee Jung Ping.

Q. When did he die?

A. Five or six years ago.

Q. Where did he die? A. In Hawaii.

Q. Is your mother living? A. No.

Q. What was her name? A. Lum She.

Q. When did she die? A. About ten years ago.

Q. Where did she die?

A. I think she died in Hawaii.

Q. How many brothers and sisters have you?

A. One brother, no sisters.

Q. What is the name of your brother?

A. Lee Wah Ki.

Q. Where is he?

A. Here, came with me on the same boat.

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Q. Did you ever have any brothers or sisters that died? A. I do not remember.

Q. How old is Lee Wah Ki? A. Fourteen.

Q. By Chinese count?

A. American count; he is my younger brother.

Q. What is the date of his birth? A. KS. 31.

Q. What month and day?

A. 11th month, 17th day (December 13, 1905).

Q. Where was he born? A. Also on Maui.

Q. At the same place where you were born?

A. Yes.

Q. When did you go to China? A. In KS. 33 (1907).

Q. Can you give the date? A. No.

Q. On what steamer did you go?

A. I do not remember.

Q. Who went with you?

A. Lee Wah Chan, my father's cousin.

Q. Didn't your father go? A. No.

Q. Didn't your mother go? A. No.

Q. Did your father go to China later on?

A. No.

Q. Did your mother? A. No.

Q. Is Lee Wah Chan your father's cousin or your father's brother? A. Cousin.

Q. Is Lee Wah Koon your father's brother?

A. No.

Q. Well you said Lee Wah Koon was your uncle then if he is not your father's brother how is he your uncle? A. Cousin of my father.

Q. Is Lee Wah Koon a brother of Lee Wah Chan? A. Yes.

Q. They are both real brothers are they?

A. Yes.

Q. That is Lee Wah Koon and Lee Wah Chan, they had the same father and the same mother did they? A. Yes.

Q. You are sure of that are you? A. Yes.

Q. He is the man that took you to China, is he?

A. Yes.

Q. Well, did you brother go too at that time or some other time? A. Same time.

Q. Has Lee Wah Chan been back to Hawaii since that time or has he been living in China right along all the time? A. Living until now in China.

Q. He never came back then? A. No.

Q. What is his occupation, Lee Wah Chan?

A. He plants rice a little.

Q. Is he at Lee Yuk Bin? A. Yes.

Q. Is he married? A. Yes.

Q. What is the name of his wife?

A. I do not remember.

Q. Is she in China? A. Yes.

Q. How many children has Lee Wah Chan?

A. None.

Q. About how old is his wife?

A. Between 40 and 50.

Q. Has he any other wife? A. No.

Q. Had Lee Wah Chan and his wife and Kan She the wife of Lee Wah Koon lived together in the same house? A. No.

Q. How is it that you have not been living with Lee Wah Chan in his house?

A. Kan She, my aunt, asked me to live with her.

Q. Does she live all alone except that you were with her? A. Yes.

Q. With whom has your brother been living?

A. In the same house with Kan She.

Q. Not with Lee Wah Chan? A. No.

Q. About how far is it from Kan She's house to Lee Wah Chan's house?

A. Over ten houses away.

Q. Have you seen Lee Wah Chan very often?

A. Yes.

Q. Visited his house? A. Yes.

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Q. Very many times? A. Every day.

Q. How is it that Lee Wah Chan never told you that you were born in Hawaii at Kula Maui?

A. He told me.

Q. You said that Kan She told you that you were born in Hawaii and I asked you if anyone else told you that you were born in Hawaii and you said nobody else only Kan She?

A. I did not think about Lee Wah Chan.

Q. When Lee Wah Chan took you and your brother to China did he take his wife along with him at the same time? A. I do not remember.

Q. Was his wife in Hawaii?

A. I do not remember.

Q. Didn't they ever tell you? A. No.

Q. What have you been doing in China?

A. Going to school.

Q. How long have you been going to school?

A. Four or five years.

Q. When did you quit school?

A. Just before I came here.

Q. What has your brother been doing?

A. Also going to school.

Q. Same school with you? A. Yes.

Q. How many teachers are there in that school?

A. One.

Q. A man? A. Man.

Q. What is his name? A. Yin Bak Yee.

Q. How many teachers are there in that school?

A. One teacher and over twenty students.

Q. How many schools are there in Lee Yuk Bin?

A. Two or three.

Q. How far is the school that you went to from your house? A. Over one hundred feet.

Q. A little over a hundred feet you mean?

A. Yes.

Q. How many people are now living in the house with your aunt Kan She? ..

A. Two, including Kan She.

Q. Kan She and who else? A. My cousin.

Q. What is his name?

A. Lee Kam Moy.

Q. How old is he? A. little over twenty.

Q. Who is his father? A. Lee Wah Koon.

Q. You said that Lee Wah Koon did not have any children?

A. I thought you asked whether he had any daughters.

Q. How many children has Lee Wah Koon?

A. No girls; only one son.

Q. Is Kan She his mother? A. Yes.

Q. Where was he born? A. I do not remember.

Q. But he was not born in Hawaii?

A. I do not know.

Q. You said his mother, Kan She, was never in Hawaii a while ago, so if his mother was never in Hawaii he could not have been born in Hawaii?

A. No, he was not born in Hawaii.

Q. Was he ever in Hawaii? A. No.

Q. Is Lee Kam Moy married? A. No.

Q. Are you married? A. No.

Q. How many people are living in Lee Wah Chan's house? A. Only he and his wife.

Q. Has he any children? A. No.

Q. How many brothers and sisters did your father have? A. One brother.

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Q. No sisters? A. No.

Q. What is the name of his brother?

A. Lee Hin Ming.

Q. Where is he? A. In Hawaii.

Q. Living? A. No; dead.

Q. When did he die? A. In CR. 4 (1915).

Q. Did he die in China or in Hawaii?

A. In Hawaii.

Q. Was he married? A. Yes.

Q. Where is his wife? A. I do not know.

Q. Is she living? A. I do not know.

Q. Did he have any children? A. No.

Q. Did not have any children?

A. I do not know.

Q. What was Lee Hin Ming's occupation?

A. I do not know.

Q. Was he your father's own brother or was he a cousin? A. Real brother.

Q. How is it that you know so much more about Lee Wah Koon than you do about Lee Hin Ming, who was a closer relative?

A. Because I was living with Lee Wah Koon's wife in China.

Q. Are your father's parents living? A. No.

Q. Did you ever see either one of them?

A. No.

Q. Do you know what their names were?

A. I do not know.

Q. Did your father have a house in China?

A. No.

Q. Was Lee Hin Ming older or younger than your father? A. He was younger.

Q. Did you ever have any brothers or sisters that died? A. I do not know.

Q. Who are going to be witnesses for you?

A. Lee Dai Hoo and Lee Wah Koon, that is all.

Q. Did you ever see Lee Dai Hoo? A. Yes.

Q. Where? A. In China.

Q. When did you see him the last time?

A. About five years ago.

Q. At Lee Yuk Bin? A. Yes.

Q. About how old is Lee Dai Hoo?

A. About 20.

Q. Was he in China very long? A. Yes.

Q. Did he live at Lee Yuk Bin? A. Yes.

Q. How far did he live from you?

A. At the other end of the village.

Q. About how many houses are there in Lee Yuk Bin? A. Four or five hundred houses.

Q. Is Lee Dai Hoo married?

A. I do not know.

Q. Did you ever visit his house? A. Yes.

Q. Are his parents living? A. Yes.

Q. What are their names? A. Lee Chu Dai.

Q. Is he in China? A. In Hawaii.

Q. Who is the mother of Lee Dai Hoo?

A. I do not know.

Q. Is she in China? A. Yes.

Q. How many brothers and sisters has Lee Dai Hoo? A. I do not know.

Q. Has he any brothers or sisters in China?

A. Two sisters.

Q. No brothers? A. No.

Q. Then you know he has a couple of sisters in China but that is all you do know, do you?

A. Yes.

Q. Where was Lee Dai Hoo born?

A. In Hawaii.

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Q. Did Lee Dai Hoo go to school in China?

A. I do not know.

Q. You know what he did?

A. He did nothing.

Q. What is the nearest large place to Lee Yuk Bin? A. Lum Yuk Bin.

Q. That larger than Lee Yuk Bin?

A. No, Lee Yuk Bin is larger.

Q. What large city is near there?

A. Seacke City, H. S. D.

Q. Have you any further statement to make?

A. No.

(Sgd. in Chinese Characters)

LEE WAH LEONG.

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LEE WAH KI sworn, testifies:  
(By Inspector FARMER,)

Q. What is your name and age?  
A. Lee Ki; 14 years old.

Q. What was the date of your birth?  
A. 11th month, 17th day, KS. 31. (December 13, 1905.)

Q. Where were you born? A. Kula, Maui.

Q. Kula is a large district do you know where in Kula it was? A. I do not know.

Q. When did you go to China?  
A. KS. 33 (1917).

Q. What month?  
A. 7th or 8th month but I do not remember whether it is American or Chinese count.

Q. On what steamer did you go?  
A. I do not remember.

Q. Where have you been living in China?  
A. Lee Yuk Bin.

Q. How large a place is that?  
A. About 1,000 houses.

Q. With whom have you been living?  
A. With Lee Wah Koon's wife, she is my aunt.

Q. What is the name of his wife?  
A. Kan She. She is from Nam Mee Tong village.

Q. About how old is she? A. I do not know.

Q. Is Lee Wah Koon your uncle?

A. No; just my father's cousin.

Q. How do you know that you were born on Maui? A. My aunt told me often.

Q. That is Kan She? A. Yes.

Q. Did anyone else ever tell you that you were born in Hawaii? A. No.

Q. You are sure of that, are you?

A. I am sure.

Q. Was Kan She ever in Hawaii? A. No.

Q. Then how does she know that you were born in Hawaii?

A. I do not know how she knows.

Q. She is in China now, is she? A. Yes.

Q. Where is Lee Wah Kan?

A. At Kula, Maui.

Q. When did you see him last?

A. A long time.

Q. Where did you see him?

A. I do not remember him.

Q. How many children has Lee Wah Kan?

A. One son, about 20 years old.

Q. What is his name?

A. Lee Kam Moy, he is not married.

Q. Where is he? A. In China.

Q. Where was he born? A. Born in China.

Q. Was he ever in Hawaii? A. No.

Q. About how many stores are there in Lee Yuk Bin? A. Over twenty.

Q. Are there any photograph galleries there?

A. No.

Q. Does any man ever come around sometimes and take pictures of the people?

A. I did not see any.

Q. Where was your picture taken that is on this affidavit? A. At Nam Long Hee.

Q. When was it taken?

A. Four or five years ago.

Q. How far is it from Lee Yuk Bin to Nam Long Hee? A. Nearly one tong (3 miles).

Q. You went over there and had this picture taken did you? A. Yes.

Q. Is this a picture of your brother (showing picture on affidavit)?

A. Yes, my own brother.

Q. Where was that picture taken?

A. Also at Nam Long Hee.

Q. At the same time that you had this picture?

A. He took that a little before.

Q. They have a photograph gallery at Nam Long Hee, have they? A. Yes.

Q. Are your parents living?

A. No, both are dead.

Q. What was the name of your father?

A. Lee Yin Kwai, *alias* Lee Chun Tung.

Q. When did he die?

A. About five or six years ago.

Q. Where did he die? A. At Maui.

Q. What was the name of your mother?

A. Lum She.

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Q. When did she die?

A. About ten years ago.

Q. Where did she die? A. Maui.

Q. How many brothers and sisters have you?

A. One brother.

Q. What is his name? A. Lee Wah Leong.

Q. He is the boy that came with you, is he?

A. Yes.

Q. How old is he? A. Fifteen.

Q. What was the date of his birth?

A. 6th month, 7th day KS. 30 (December 22, 1914).

Q. Where was he born? A. Kula, Maui.

Q. Did you ever have any brothers or sisters that died? A. No.

Q. Did your father and mother go with you to China?

A. No; went with my brother and my father's cousin.

Q. What is the name of your father's cousin who took you to China? A. Lee Wah Chan.

Q. Where is he now? A. In China.

Q. At Lee Yuk Bin? A. Yes.

Q. Has he ever been back to Hawaii?

A. No.

Q. Has he ever been back to Hawaii?

A. No.

Q. He has been living in Lee Yuk Bin ever since he went to China, has he? A. Yes.

Q. He is your father's cousin, is he?

A. Not cousin, just a distant relative.

Q. Is Lee Wah Koon any relation to Lee Wah Chan? A. They are brothers.

Q. Own brothers or cousins?

A. Own brothers.

Q. Is Lee Wah Chan married? A. Yes.

Q. What is the name of his wife?

A. I do not know.

Q. Where is she?

A. At Lee Yuk Bin, China.

Q. How many children has Lee Wah Chan?

A. Three sons and two daughters.

Q. What are their names?

A. Lee Wah Chew, 16 or 17; Lee Wah Jan, I do you know the age; Lee Wah Quon, about 5 or 6; girls Lee Yin, I do not know how old; Lee Hong, I do not know how old.

Q. Where are they?

A. At Lee Yuk Bin, China.

Q. Living with their parents?

A. Living with their father.

Q. Lee Wah Chan and his wife are both in China, are they, and all of the children?

A. Yes.

Q. What is Lee Wah Chan's occupation?

A. Planting rice.

Q. Lee Wah Chan being the man who took you to China, why is it that you have not been living

with him in his house instead of living with Kan She, the wife of Lee Wah Koon?

A. Kan She asked me to live with her.

Q. Have you and your brother both been living with Kan She?

A. Yes, and also Lee Kam Moy.

Q. Is Lee Kam Moy her son? A. Yes.

Q. Where were these children of Lee Wah Chan born? A. In China.

Q. Was Lee Wah Chan's wife ever in Hawaii?

A. No.

Q. Did Lee Wah Chan ever have any other wife, or just that one wife?

A. Married twice, the other wife is dead.

Q. Are these children all by this wife or was the other wife the mother of these children?

A. The two daughters belong to the former wife but the sons belong to the present wife.

Q. Are those daughters older than the sons?

A. Yes.

Q. Then when Lee Wah Chan went to China and took you and your brother he did not take along any wife or children of his own did he?

A. No.

Q. What have you been doing in China?

A. Going to school.

Q. How long have you been going to school?

A. Five years.

Q. When did you quit? A. Quit this year.

Q. Was your brother also going to school?

A. Yes.

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Q. Did he go to the same school as you did?

A. No.

Q. He went to a different school, did he?

A. Different school.

Q. How many schools are there in Lee Yuk Bin?

A. Three or four.

Q. How many children were in your school?

A. 34 or 35.

Q. How many teachers were there? A. One.

Q. What was his name? A. Gon Chow Hon.

Q. How far is the school from your house?

A. Pretty far.

Q. How far from your house is the school where your brother went? A. Pretty far.

Q. Farther than yours or closer?

A. My school is farther.

Q. Do you know the name of his teacher?

A. Yin Bak Yee.

Q. Do you know how many children were in that school? A. Over 40.

Q. Was it just one teacher in his school?

A. One teacher.

Q. Are your father's parents living? A. No.

Q. When did they die?

A. I do not remember.

Q. You know what their names were?

A. Father—Lee Gar Bong, mother Lum She.

Q. They died a long ago did then?

A. Yes, many years ago.

Q. Both of them? A. Yes.

Q. So you never saw them?

A. I do not know them.

Q. How many brothers and sisters did your father have? A. One brother, no sisters.

Q. What is his name? A. Lee Hin Ming.

Q. Is he living now? A. No.

Q. When did he die?

A. More than ten years ago.

Q. Where did he die? A. At Maui.

Q. Was he married? A. I do not know.

Q. How far was it from your house that is where you were living with Kan She to Lee Chan's house? Not very far.

Q. Did you often visit Lee Wah Chan's house?

A. Yes.

Q. And did he often come to the house where you were living? A. Yes.

Q. How many people are living with Lee Kan She in her house now?

A. Only herself and the son.

Q. How many people are living in Lee Wah Chan's house?

A. Four, two sons, himself and his wife. One of his sons went to a foreign country.

Q. I suppose that was the oldest one was it?

A. Yes.

Q. Lee Wah Chew? A. Yes.

Q. And I suppose the two girls are married and

gone to some other village? A. Yes.

Q. Lee Wah Chan took you to China and he lived close to you ever since and you have been well acquainted with him and his family, you have often visited his house, he has often visited your house and yet he never told you that you were born in Hawaii, you would naturally think that he would have mentioned the fact some time or other during all the time that you have been in China, what have you to say about that? A. He told me.

Q. He told you that you were born in Hawaii, did he? A. Yes.

Q. You said that Kan She told you that you were born in Hawaii but that nobody else told you that and you said you were sure of that? A. I forgot.

Q. Do you know what your father did when he was in Hawaii? A. Raising pigs.

Q. You know what Lee Wah Koon is doing now?

A. Also raising pigs.

Q. How long did you go to school?

A. Five years.

Q. Did you go to the same school all the time or did you go to different schools?

A. Same school.

Q. Have you any further statement to make?

A. No, that is all.

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(Sgd. in Chinese Characters)

LEE WAH KI. [31]

Applicant LEE WAH LEONG recalled, testifies:

Q. Did your father's cousin, Lee Wah Chan, ever have any other wife except the wife that he now has in China, that one woman? A. No.

Q. And you said, did you, that Lee Wah Chan did not have any children? A. Yes.

Q. Has he any children, Lee Wah Chan?

A. No children.

Q. Your alleged brother testified just now and said that he has several children?

A. No, he has no children.

Q. I want to ask you if when you were in China and you went to school there whether you went to the same school all the time or did you go to different schools? A. Same school.

Q. And was that the same school that your alleged brother attended? A. Same school.

Q. Did he ever attend any other school or did he go to the same school all the time that he went to school? A. Same school.

Q. Your alleged brother says that he went to a different school?

A. Same school, maybe he forgot about it.

Q. Have you any further statement to make?

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LEE WAH KI recalled, testifies:

Q. Who are going to be witnesses for you?

A. Lee Dai Hoo and Lee Wah Koon.

Q. Anyone else? A. No.

Q. When did you see Lee Dai Hoo last?

A. Five or six years ago.

Q. Where did you see him? A. In China.

Q. You know where he was born?

A. I do not know.

Q. About how old is he? A. 21 or 22.

Q. Is he married? A. Yes.

Q. What is the name of his wife?

A. I do not know.

Q. Is she in China? A. In China.

Q. Has Lee Dai Hoo any children?

A. No children.

Q. Did you know him for a very long time?

A. Yes.

Q. Did he live in Lee Yuk Bin village?

A. Yes.

Q. Do you know his father? A. No.

Q. You know his mother? A. Yes.

Q. Is she there now? A. In China.

Q. Do you know what her name is?

A. I do not know.

Q. Has Lee Dai Hoo any brothers or sisters in China?

A. I saw one of his sisters but I do not know how many he has.

Q. Did you see any brothers? A. No.

Q. How far did he live from where you lived?

A. Pretty far away.

Q. Did you see him very often?

A. He came back to Hawaii.

Q. Before he came back to Hawaii did you see him very often? A. Yes.

Q. Did he go to school? A. I do not know.

Q. Your alleged brother Lee Wah Leong says that you and he both went to the same school in China and not to different schools?

A. Just last year.

Q. What was just last year?

A. Same school last year.

Q. He went to the same school that you did last year, did he? A. Yes.

Q. Did you go to the same school all the time?

A. Same school.

Q. Then did he change from one school to another and leave the school from where he was going and go to the school where you were attending?

A. I do not know.

Q. Did he go to two different schools at different times?

A. He went to the same school last year with me.

Q. Did he go to another school year before last?

A. Yes.

Q. He says himself that he went to the same school all the time?

A. Maybe he forgot last year.

Q. Did you ever change schools?

A. No, only one school.

Q. Lee Wah Leong also says that Lee Wah Chan your father's cousin, the man that you say took you to China, never had but one wife and that he

has no children whatever but you have testified that he has several children?

A. He does not remember.

Q. He does not remember what?

A. He does not remember that he had any wife.

Q. How could he help but remember about the children if he has been living in the same village?

A. Maybe he forgot.

Q. Did somebody tell him what to say when he came here? A. No, never told me anything.

Q. Did somebody tell you what to say?

A. No, but I am telling the truth.

Q. Is he really your brother or is he somebody else? A. My own brother.

Q. Maybe he is adopted?

A. No, my mother's own son.

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Q. If he is your brother and has been living right there all the time and knows all these people why is it that he cannot tell about that?

A. He is a boy that does not talk much.

Q. Have you anything more to say? A. No. Board adjourned 11:30 A. M.

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1:15—Board reconvened 9/11/19.

Witness LEE WAH KOON, sworn, testifies:  
(By Inspector FARMER) CR. 4694, verified February 28, 1903.

Q. What is your name and age?

A. Lee Wah Koon, *alias* Lee Wing Kee; 50 years old.

Q. Where were you born?

A. Lee Yuk Bin, China.

Q. When did you first come to Hawaii?

A. KS. 16 (1890).

Q. How many times have you been back to China? A. Twice.

Q. First time?

A. In KS. 21 (1895) came back in KS. 22 (1896)

Q. Second time?

A. KS. 29, (1903) came back KS. 30 (1904).

Q. Are you married?

A. Yes, my wife, Kan She.

Q. How old is she?

A. I am 9 years older than her.

Q. Where is she? A. In China.

Q. How many children have you?

A. No daughters, one son.

Q. What is his name? A. Lee Kam Moy.

Q. Where is he? A. In China.

Q. Where was he born? A. Born in China.

Q. Is he your own son or an adopted son?

A. My own son.

Q. How old is he? A. Twenty-one.

Q. Was your wife ever in Hawaii? A. No.

Q. Did you ever have any other wife except Kan She? A. No.

Q. How would it be possible for you to have a son who is now twenty-one years of age born in China if you came to Hawaii in KS. 16 and have only made two trips back to China, once in KS. 21 and returned to Hawaii the next year and again in KS. 29 and returned the next year because if your son is twenty-one years old now he was born in 1898 or 1899 if you are giving his age by Chinese count and you were in Hawaii all the time from 1896 to 1903? A. 23 years old.

Q. Then he is 23 years old is he? A. Yes.

Q. Is he married? A. No.

Q. Did he ever have any children that died?

A. No.

Q. What is your occupation?

A. Raising pigs at Kula.

Q. Where? A. Kula.

Q. At what place in Kula?

A. Naalaea, Waikoa, Kula, Maui.

Q. How long have you been in the business of raising pigs? A. Nearly twenty years.

Q. What is the purpose of your visit here to-day?

A. Come as a witness for Lee Wah Leong and Lee Wah Ki.

Q. How old is Lee Wah Leong? A. Fifteen.

Q. What was the date of his birth?

A. 6th month, 10th day KS. 30 (July 22, 1904).

Q. Where was he born? A. At Naalaea.

Q. How old is Lee Wah Ki? A. 14.

Q. What was the date of his birth?

A. 11th month, 17th day, KS. 31 (December 13, 1905).

Q. Where was he born? A. At Naalaea.

Q. When did these two boys go to China?

A. When Wah Leong was four years old and Wah Ki was three.

Q. In what year was that? A. KS. 33 (1907)

Q. What month?

A. About the 7th or 8th month.

Q. On what steamer did they go?

A. I do not remember the boat.

Q. Do you remember the name of the steamer on which they went?

A. I do not remember. I was on Maui.

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Q. Didn't you come over to Honolulu to see them off? A. I did not.

Q. How is it that you know the exact date of these boys' births—are you able to remember?

A. Because I went to see them when they were born and my place was near them.

Q. Are you any relation to them?

A. Just a cousin.

Q. Can you remember the exact date that is the year and month and the day of every child that is born near where you live and remember it for fifteen years? A. No.

Q. Then how does it happen that you remember it in this case?

A. Because these two boys are related to me.

Q. But you say they are distant relatives?

A. Three generations before.

Q. Is it not a fact that you have been instructed and told what the date of the births of these boys were so that you could testify to it and that you are really testifying from your own knowledge but from what you have been told?

A. I can remember.

Q. What was the date of the birth of your son in China?

A. Third month, 29th day KS. 22 (May 11, 1896).

Q. Were you in China at the time he was born?

A. Yes.

Q. How long after he was born was it that you came back to Hawaii? A. Few months.

Q. When I asked you the age of your own son you said he was 21 years old and afterwards you found out that could not be or else your trips back to China as you stated were not correct and so you changed it; you couldn't even tell the age of your own son and yet you are now giving the exact date not only of his birth but the births of these two applicants and yet you couldn't even tell how many years old he was at first, both of these two boys when they testified this morning said that your son was 21 years old and now you come and you say that he is 21 years old that agreed with their state-

ments and then you changed it and gave his age as 23?

A. I cannot remember at once. Maybe they forgot too they are young boys.

Q. But you did remember at once without any hesitation the exact year, month and day of the birth of these two boys? A. No answer.

Q. Were you in Hawaii at the time these boys were born?

A. Lee Wah Leong was born two or three months before I came back from China.

Q. Did you not say that you attended the month old feast of Lee Wah Ki?

A. Yes. He was born long time after I came back.

Q. The record shows that you said that you went to see the boys right after they were born because they were born near your place and so you remembered the dates of their births?

A. The older boy born two months before I came back but the younger I attended the month old feast.

Q. So Lee Wah Leong was born when you were in China and before you got back to Hawaii from China, was he? A. Yes.

Q. He was two or three months old when you arrived and went over to Maui and saw him, was he? A. Yes.

NOTE: The records of this office show that this witness was granted return permit #20-444 and went to China February 28, 1903, per SS. "Doric." He returned per SS. "Gaelic"

September 16, 1904, and was admitted as a returning laborer. He qualified on property.

Q. Are these two boys brothers? A. Yes.

Q. Did they have the same father and the same mother? A. Yes.

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Q. Are their parents living now? A. No.

Q. Who was their father?

A. Lee Hin Kwai *alias* Lee Jung Ping. . .

Q. When did he die?

A. Six or seven years ago.

Q. Where? A. In Honolulu.

Q. What was his occupation?

A. Raising pigs.

Q. Was that his occupation all the time that he was in Hawaii? A. Yes.

Q. Where did he raise pigs over on Maui?

A. At Naalaea, Maui.

Q. Was he in partnership with you?

A. No, his own.

Q. What was the name of the mother of these two boys? A. Lum She.

Q. When did she die?

A. A little over ten years ago.

Q. Where? A. In Honolulu.

Q. How many children did Lee Hing Kwai and Lum She have? A. These two boys.

Q. Did they have any children that died?

A. No.

Q. How old were these boys when they went to China?

A. One was four and the other three.

Q. Is that by Chinese count? A. Yes.

Q. Who took them to China?

A. Lee Wah Chan.

Q. Did anyone else go along with him to help him take care of the boys?

A. I do not know I was on Maui.

Q. Wasn't there any woman to look after them on the boat when they went to China?

A. I do not know.

Q. Was Lee Wah Chan married? A. Yes.

Q. Was his wife in Hawaii? A. No, China.

Q. Never in Hawaii? A. No.

Q. Is Lee Wah Chan any relation to you?

A. He is my brother.

Q. He has the same father and the same mother that you do? A. Yes.

Q. Has Lee Wah Chan any children?

A. Yes, but I do not know their names.

Q. Did you ever see any of them?

A. No, I came here.

Q. They were all born after you left China, were they, that is after you left the last time?

A. Yes.

Q. Did he have more than one wife?

A. He married twice, his former wife is dead.

Q. Did he have children by both wives?

A. The girls belong to the former wife.

Q. Did you ever see the girls or either of them?

A. Yes.

Q. When I went back to China.

Q. Did you see any boy at that time? A. No.

Q. Are the parents of Lee Hin Kwai living?

A. No.

Q. Did you ever know them?

A. No, I did not know them.

Q. How many brothers and sisters did Lee Hin Kwai have? A. No sisters; only one brother.

Q. Is he living now that brother? A. No.

Q. What was his name? A. Lee Hin Ming.

Q. When did he die?

A. Four or five years ago.

Q. Where did he die? A. In Honolulu.

Q. Was he married? A. No.

Q. Never was married? A. No.

Q. How do you know that these two boys who have come here are the same boys that were born on Maui? A. No answer.

Q. Do you know that they are the same boys?

A. Yes.

Q. How do you know?

A. I sent for them to come.

Q. You have not seen them yet have you?

A. No.

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Q. If you should see them would you know them?

A. I don't think so; they went to China when they were very young.

Q. Did Lee Hin Kwai go to China after the two boys went? A. No.

Q. Did his wife? A. No.

Q. What did he want to send those two boys to China for when he himself and his wife were both in Hawaii? A. Because their mother died.

Q. Did their mother die before they went to China?

A. Yes, and the father could not take care of them.

Q. Then their mother must have died twelve years ago? A. Yes.

Q. You said she died a little over ten years ago?

A. No answer.

Q. You consider twelve a little more than ten, do you?

A. So many years ago I cannot remember; the two boys went to China three or four months after their mother died.

Q. Are you sure that it was in KS. 33 that they went to China? A. Yes.

Q. Might it not have been in KS. 34? A. No.

Q. Or 32 maybe?

A. KS. 33 but I am not very sure.

Q. Did Lee Wah Chan secure a return permit to come back to Hawaii when he left? A. No.

Q. He went with the intention of staying in China did he? A. Yes.

Q. You have been to China then since 1904 that is KS. 30? A. No.

Q. Have you any further statement to make? A. No.

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Witness LEE DAI HOO sworn, testifies:  
(By Inspector FARMER) In English.

Witness presents an honorable discharge from the United States Army dated July 11, 1919. Record on file, see file number 377-C.

Q. What is your name? A. Lee Dai Hoo.

Q. Have you any other name? A. No.

Q. Are you married? A. No.

Q. How old are you? A. 22.

Q. Where were you born?

A. Waikoa, Kula, Maui.

Q. Have you ever been in China? A. Yes.

Q. How many times? A. One time.

Q. When? A. When I was eight years old.

Q. When did you return to Hawaii?

A. 1912; at that time I was 16 years old.

NOTE: This witness had his Hawaiian birth investigated in March, 1905, prior to his departure for China. He returned from China per SS. "Shinyo Maru" May 19, 1913, and was admitted as Hawaiian-born. See file number 377-C.

Q. Is that the only time, just once you have been in China? A. Yes.

Q. Did you ever go to San Francisco?

A. No, sir.

Q. Is your father living? A. Yes.

Q. Where is he? A. Kula, Maui.

Q. Is your mother living? A. In China.

Q. What is her name?

A. I don't know her name.

Q. What is the family name? A. Leong She.

Q. What is your father's name?

A. Lee Chew Tai.

Q. How many brothers have you got?

A. One brother, Lee Tai Chong.

Q. Where is Lee Tai Chong?

A. At Kula, Maui.

Q. Did he go to China?

A. Yes, same time with me.

Q. When did he come back?

A. Three or four years ago.

NOTE: Lee Tai Chong returned from and was admitted as Hawaiian-born November 25, 1914. See file number 377-C.

Q. How many sisters have you? A. Two.

Q. Where are they? A. In China.

Q. You come to testify for somebody to-day do you? A. Yes.

Q. Who?

A. Lee Wah Leong and Lee Wah Ki.

Q. About how old is Lee Wah Leong?

A. 15 years old.

Q. How old is Lee Wah Ki? A. 14 years old.

Q. They are brothers are they? A. Yes.

Q. You ever see their father?

A. Their father died long ago.

Q. Did you ever see him? A. No.

Q. Did you ever see the mother? A. No.

Q. You know who their father was?

A. Someone said his father was Lee Hin Kwai.

Q. Do you know who their mother was?

A. I don't know.

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Q. Where did you see these two boys?

A. In China.

Q. Where, what village?

A. Canton, Lee Yuk Bin.

Q. Is that a big place?

A. Not a very big place, that is my country.

Q. As big as Wailuku? A. A little smaller.

Q. They got as many houses as Wailuku?

A. More than a thousand houses.

Q. Did you live near where these two boys lived?

A. Yes, not very far.

Q. You saw these boys every day when you were in China? A. Not every day.

Q. But you saw them often did you? A. Yes.

Q. Who did they live with? A. Their aunt.

Q. You know what her name was?

A. Kan She.

Q. Who is her husband? A. Lee Wah Koon.

Q. Where is he?

A. He is that boy's uncle he was living in Maui.

Q. Is he the man who came in here just now and testified? A. Yes.

Q. They have any children? A. One boy.

Q. What is his name? A. Le Cam Moy.

Q. What were these two boys doing?

A. Going to school.

Q. Did you go to school too?

A. Yes. I was over eight years old and went to school too, when I came back they started to go to school.

Q. They started to go to school when you left China to come here? A. Yes.

Q. Did you go to school in the same school house?

A. No, sir; my country has lots of schools, more than four or five and I did not go to school with them, I went to one near to my place.

Q. How many schools in Lee Yuk Bin?

A. I only know two or three, some hears more it all depends on the number of children.

Q. These two boys both went to the same school or different school?

A. They went to the same school.

Q. Did you go to their house?

A. Yes, I went there often.

Q. Who did you see living in their house?

A. Their aunt, the two boys and the cousin Lee Kam Moy.

Q. Anybody else in that house? A. No.

Q. Do you know when these boys went to China?

A. I heard someone say but I did not see them go; I was only one or two years old.

Q. Did you go to China before they did or after they did or did they go there first?

A. No answer.

Q. You must have been eight years old when you went to China? A. Yes.

Q. How old were you when they went to China?

A. I don't know when they went to China.

Q. They were there first?

A. I think I was there first.

Q. Do you know who took them to China?

A. Somebody said his uncle Lee Wah/Chan.

Q. Uncle or cousin?

A. Uncle, he is Lee Wah Koon's brother.

Q. Is Lee Wah Chan—is he a brother of their father? A. Yes, but not real brother.

Q. The father was Lee Hin Kwai and this Lee Wah Chan, did they have the same father Lee Hin Kwai and Lee Wah Chan? A. No.

Q. Then it was more of a cousin than brother was it not? A. Yes.

Q. Lee Wah Chan is living there in Lee Yuk Bin? A. Yes.

Q. Is he married?

A. His wife died and he has another wife.

Q. You know the name of the present wife?

A. No.

Q. Has he got any children there?

A. He has two girls.  
Q. Are they at Lee Yuk Bin?  
A. They are married and gone away.  
Q. Has he any boys?  
A. The boys when I left China they did not have any boys, I think they had one boy.

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Q. Was he there at that time? A. Yes.  
Q. You know what his name was?  
A. Lee Wah Chew, I think.  
Q. How do you know these boys were born in Hawaii? A. His aunt told me about them.  
Q. All you know is just what you were told?  
A. Yes.  
Q. Did Lee Wah Chan ever tell you?  
A. He told me too.  
Q. He told you they were born in Hawaii?  
A. Yes.  
Q. Are there a good many stores in Lee Yuk Bin? A. More than twenty, but I am not sure.  
Q. Does Lee Wah Chan and his wife live in the same house with Kan She? A. No, sir.  
Q. Far away? A. Not very far.  
Q. If you saw these two boys now could you identify them?  
A. It has been eight years but I think I could recognize them.  
(Identification is mutual.)

Q. Have you anything more to say? A. No.

Q. Lee Wah Chan have any other name?

A. Lee Wing Nam.

Q. Have you any more witnesses that you know of to testify in this case? A. No.

TAI HU LEE.

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**STATEMENT BY INSPECTOR FARMER.**

I have looked over all the passenger lists of steamers departing for the Orient during the months of May, June, July, August, September and to the 23d of October, 1907, but have been unable to find the name of either applicant or of Lee Wah Chan under either of his names on any of said passenger lists.

**RICHARD L. HALSEY.**—These applicants have not, in my opinion, satisfactorily shown that they were born in the Hawaiian Islands, and I therefore, move that they be given the usual notice that ten days will be allowed in which to produce additional evidence.

**EDWIN FARMER.**—I second the motion.

**HARRY B. BROWN.**—I concur.

**NOTE:** The applicants and the two witnesses are notified that they will be given ten days in which to produce additional evidence.

Board adjourned 3:00 P. M.

**BOARD OF SPECIAL INQUIRY.**

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LEE WAH KI and LEE WAH LEONG—HB.—  
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9/24/19.

NOTE: The ten days having expired in which the applicants were to produce further evidence, two more witnesses are presented by the alleged uncle of the applicants, who states that he has no more witnesses to produce.

Witness, sworn, testifies: CR. #17063, not verified.

Q. What is your name and age?

A. Lee Sam Che, *alias* Lee Ka Fai; 60 or 61 years old.

Q. Where were you born?

A. At Lee Yuk Bin, China.

Q. How long have you been in Hawaii?

A. Since KS. 6 (1880).

Q. How many times have you been back to China?

A. Once, in KS. 24 (1898) and returned to Hawaii the following year.

Q. Are you married?

A. Yes, my wife, Leong She, 40 years old, is in China.

Q. How many children have you?

A. One son, Lee Uip Pun, born in KS. 25 (1899) in China, and now in a place near Java. I have no daughters.

Q. What is your occupation?

A. Carpenter. I work for the Lee Lup Company, Honolulu.

Q. What is the purpose of your visit here to-day?

A. I come as a witness for Lee Wah Leong and Lee Wah Ki.

Q. About how old is Lee Wah Leong?

A. About 14 or 15.

Q. Do you know the date of his birth?

A. About the 6th or 7th month of KS. 30 (1904).

Q. Where was he born?

A. At Naalaea, Kula, Maui, Hawaii.

Q. How do you know that he was born there?

A. I was working at Kahului at the time and Kahului is on Maui.

Q. Is Kahului near Naalaea?

A. No, it is far away, but Kahului is on Maui, the same island with Naalaea.

Q. How far is it from Kahului to Naalaea?

A. About 13 or 14 miles at that time by the road.

Q. How old is Lee Wah Ki?

A. There is just one year's difference in their ages, Lee Wah Leong is the older.

Q. Do you know the date of Lee Wah Ki's birth?

A. About the 9th, 10th or 11th month of the year KS. 31 (1905).

Q. Where was he born?

A. At the same place as Lee Wah Leong.

Q. When did you first see these two boys?

A. About KS. 32 (1906) I went up to build a house for my brother and passed by their father's house and dropped in and saw them. The older one was just able to walk and the other was in the cradle.

Q. Are you any relation to them?

A. No, only a distant relative.

Q. What relation are these two boys to each other? A. They are brothers.

Q. Did you see them very often before they went to China?

A. When I finished the job I passed by their father's house again and said good-bye to them and came back to Honolulu.

Q. Did you see them any more?

A. The next year their father came to Honolulu and I was working at Waipahu then. When I came to Honolulu I met their father and he told me his wife was sick and so they moved to Honolulu from that place.

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Q. Then did you see them in Honolulu after that?

A. Yes, Their father asked me to go to their house and I went there. He was living next to the Ho Wong temple and I saw them.

Q. Where was the Ho Wong temple?

A. On Beretania Street, opposite Maunakea Street, in a lane, but I don't know the name of the lane.

Q. Who was their father?

A. Lee Hin Kwai, *alias* Lee Jung Ping.

Q. Is he living now? A. No.

Q. What was the name of these boys' mother?

A. Lum She. She died before her husband.

Q. Where did Lee Hin Kwai die?

A. Honolulu. Also, their mother died in Honolulu.

Q. Did Lee Hin Kwai have any other children except these two boys?

A. No, that is all they had.

Q. When did they go to China?

A. About six months later I came to Honolulu and the father told me his wife had died and the two boys were sent back to China.

Q. Do you know who took them to China?

A. Their father told me that Lee Wah Chan, a distant relative, took them to China.

Q. Did you know Lee Wah Chan? A. Yes.

Q. Did he come back to Hawaii from China?

A. No.

Q. What was Lee Hin Kwai's occupation on Maui? A. Raising pigs.

Q. What was his occupation when he came to Honolulu?

A. Nothing, at that time his wife was sick and he sold his pig ranch and came to Honolulu. After

his wife died he went to work at Aiea Sugar Plantation.

Q. That is the nearest plantation to Honolulu, is it? A. Yes, 7 miles.

Q. Then after a while the father himself died, did he? A. Yes.

Q. Did he ever go to China before he died?

A. No.

Q. Can you tell what steamer the boys went to China on?

A. It was so long ago I have forgotten.

Q. When did you come to Honolulu from Wai-pahu? At the time their father told you they had gone to China?

A. In the latter part of KS. 33 (1907).

Q. Then they must have gone to China in KS. 33? A. Yes.

Q. Of course you have not seen either of them since they went to China?

A. No, I have not been to China myself and they have not come back to Hawaii until now.

Q. Then all you can say is that there were two boys having the names given by the two boys who have arrived, who were children of Lee Hin Kwai, who were born in Hawaii and went to China?

A. Yes, I know he had two sons in Hawaii who went to China.

Q. Could you identify the two boys now?

A. No they have grown.

Q. Would you like to look at the boys?

A. No, I am old and cannot recognize them.

Q. Perhaps you can tell whether they look like their father, or their mother. A. No, I cannot tell.

Q. Have you any further statement to make?

A. Not unless you have some questions to ask.

Q. Did their father come from the same village in China that you did?

A. Yes, but from a different part of the village.

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Q. Did you know their father when he was in China before he came to Hawaii? A. Yes.

Q. When did he come to Hawaii?

A. He came before I did.

Q. And you came in KS. 6?

A. Yes. I think he came in KS. 4 (1878).

Q. When did his wife come to Hawaii?

A. I think his wife came in KS. 28 or 29. (1902 or 1903).

Q. That was after annexation, was it?

A. Yes. It was after he started that pig ranch. Then he sent for his wife.

Q. Did he go back to China again after he came here in KS. 4?

A. Yes. He went to China and got married, but did not go again after that.

Q. Did his wife come back with him?

A. No, his wife came later.

Q. How could his wife have been admitted?

A. He had a pig ranch.

Q. Would the owner of a pig ranch be a merchant? A. I don't know how she came.

NOTE: No record of Lum She, wife of any man named Lee, can be found in our records as having arrived in Hawaii from December, 1898, to the time applicants are alleged to have gone to China.

Q. Do you know when Lee Hin Kwai went to China to get married?

A. I think in KS. 15 or 16, but am not sure. (1889 or 1890).

Q. You think his wife came in KS. 28 or 29?

A. Yes, about that time but I am not sure. Of course I was not staying on Maui at that time.

Q. Have you any further statement to make?

A. No, that is all.

Tracing of signature:

#4382/598 Lee Wah Ki & Lee Wah Leong—HB.

—ex SS. "Shinyo Maru." 9/3/19. 9/24/19.

#4382/598 Lee Wah Ki & Lee Leong. [45]

#4382/598.

LEE WAH KI & LEE WAH LEONG—HB.—ex

SS. "Shinyo Maru." 9/3/19. 9/24/19.

Witness sworn, testifies: CR. #910, verified Oct. 21, 1918.

Q. What is your name and age?

A. Lum Koy, *alias* Lum Lun Ng; 38 years old.  
(Family record on file.)

Q. What is the purpose of your coming here to-day?

A. I come to testify for Lee Wah Leong and Lee Wah Ki.

Q. When did you first see them?

A. This year, in China.

Q. Didn't you ever see either of them before this year? A. No.

Q. Where did you see them?

A. They came to my house about the fourth month of this year.

Q. Where is your house?

A. At Dai Char village, China.

Q. How is it that they came to your house?

A. They came to my house and asked me when I was going back to Hawaii.

Q. When did you leave Hawaii to go to China?

A. In September, 1918.

Q. When did you return to Hawaii?

A. This year.

Q. Did they just come to your house once?

A. Yes, once.

Q. Who came with them?

A. Just the two boys. No one came with them.

Q. The two boys came together, did they?

A. Yes.

Q. Did you ever see them at any other time?

A. Then I went to my mother-in-law's house at Lee Yuk Bin and saw them again.

Q. Did you see them any more? A. No.

Q. You never saw either of them when they were in Hawaii? A. No.

Q. Do you know where these boys were born?

A. My wife told me they were born in Hawaii.

Q. Is your wife any relation to them? A. No.

Q. From what village did your wife come?

A. Lee Yuk Bin.

Q. In what village were these boys living in China? A. Lee Yuk Bin.

Q. Is your wife in China now? A. Yes.

Q. Was she ever in Hawaii? A. No.

Q. How does your wife know that these boys were born in Hawaii?

A. She was in Lee Yuk Bin village and her aunt told her that the two boys were born in Hawaii and that they had no parents.

Q. Who is her aunt?

A. It was the boys' aunt that told my wife.

Q. What is her name? A. I do not know.

Q. You say their aunt told your wife, did the aunt tell you?

A. She told my wife and my wife told me.

Q. Did the boys themselves say they were born in Hawaii? A. Yes.

Q. Did they ask you if you would be a witness for them when they came here? A. No not that.

Q. When you returned from China by the SS. "Siberia Maru" in August of this year, you were asked whether you say any resident of this country or the son of any resident or farmer resident during

your recent stay in China, and you said, "No, with the exception of Chun Tong Chee at Sun Hee, and Chun Gut Tong, also at Sun Hee," and you said that was all. (Witness is shown the record.)

(It is in File No. 4380-987). If you saw these two boys at least twice and they visited your house, why did you not mention them?

A. I did not think of them.

Q. Did you ever see the father or mother of these boys? A. No.

Q. Did you visit their house in China? A. No.

Q. In fact, you didn't know anything about them until this year?

A. No, I just knew them this year.

#4382/598 Lee Wah Ki—Lee Wah Leong—HB.—  
ex SS. "Shinyo Maru." 9/3/19. 9/24/19.  
[46]

#4382/598.

LEE WAH KI & LEE WAH LEONG—HB.—ex  
SS. "Shinyo Maru." 9/3/19. 9/24/19.

Q. Can you identify them? A. Yes.

(The witness identifies the applicants. The applicants state that they know the witness but are unable to give his name.)

Q. Have you any further statement to make?

A. No.

Tracing of signature.

#4382/598 Lee Wah Ki & Lee Wah Leong—  
HB.—ex SS. "Shinyo Maru." 9/3/19. 9/  
24/19. [47]

#4382/598.

LEE WAH KEE and LEE WAH LEONG—

HB.—ex SS. "Shinyo Maru." Sept. 3, 1919.

October 6, 1919.

EDWIN FARMER.—I move that the applicants be denied admission to this country and returned to the country from which they came, China, as Chinese persons who have not satisfactorily proved that they were born in the United States and have not shown that they are in any way entitled to enter the United States as exempt persons under the Chinese Exclusion Laws.

RICHARD L. HALSEY.—I second the motion.

HARRY B. BROWN.—I concur. (To applicants.) You have been denied admission to the United States as Chinese aliens not entitled to enter this country under the Chinese Exclusion Laws. From this decision you have the right to appeal to the Secretary of Labor. If you desire to appeal you should notify the Inspector in Charge to that effect within 48 hours. You can appeal either with or without an attorney if you so desire. If you do not appeal, or if you appeal and are denied, you will be returned to China at the expense of the steamer on which you came in the same class as that in which you came, namely, the Asiatic steerage.

HARRY B. BROWN,

EDWIN FARMER,

RICHARD L. HALSEY,

Board of Special Inquiry.

#4382/598 Lee Wah Ki & Lee Wah Leong—  
HB.—ex SS. "Shinyo Maru." 9/3/19. 10/  
6/19. [48]

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United States District Court for the Territory of  
Hawaii.

In the Matter of the Application of CHING YAM  
SING for a Writ of Habeas Corpus in Be-  
half of LEE WAH LEONG and LEE  
WAH KI.

**Order to Show Cause.**

The United States of America: To RICHARD L.  
HALSEY, Inspector in Charge of Immigration  
at the Port of Honolulu:

A petition for a writ of habeas corpus having  
been filed by Ching Yam Sing in behalf of Lee  
Wah Leong and Lee Wah Ki and this day  
presented to me, alleging unlawful restraint of  
liberty of said Lee Wah Leong and Lee Wah  
Ki by you, a copy of which petition is ordered  
to be served upon you with this writ, you are  
hereby ordered to be and appear before me in the  
courtroom of this Court at Honolulu, on Tuesday,  
the 9th day of December, 1919, at 10 o'clock A. M.,  
to show cause, if any you have, why said writ of  
habeas corpus should not issue as prayed for in  
said petition.

Done at Honolulu this 4th day of December, A. D. 1919.

(Sgd.) HORACE W. VAUGHAN,  
Judge of said Court.  
Attest: A. E. HARRIS,  
Clerk of said Court.  
By (Sgd.) Wm. L. Rosa,  
Deputy Clerk.

AT CHAMBERS—Jan. 24, 1920.

Let the writ of habeas corpus issue, returnable Tuesday, Jany. 27th, 1920.

(Sgd.) HORACE W. VAUGHAN,  
Judge. [49]

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#152. In the United States District Court in and for the Territory of Hawaii. In the Matter of the Application of Ching Yam Sing for a Writ of Habeas Corpus in Behalf of Lee Wah Leong and Lee Wah Ki. Return of Richard L. Halsey, Respondent, to Order to Show Cause. Attorneys for Respondent: S. C. Huber, United States Attorney N. D. Godbold, Assistant United States Attorney. Filed Dec. 8, 1919. A. E. Harris, Clerk. By (Sgd.) Wm. L. Rosa, Deputy Clerk.

Due and legal service of the above return is hereby accepted and the receipt of a copy thereof acknowledged. All done this 8th day of December, 1919.

WATSON & CLEMONS,  
By (Sgd.) C. F. CLEMONS,  
Attorneys for Petitioners. [50]

In the United States District Court in and for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Return of Richard L. Halsey, Respondent, to Order to Show Cause.**

Comes now Richard L. Halsey, Inspector in Charge of Immigration at the Port of Honolulu, Territory of Hawaii, respondent herein, and in obedience to the order to show cause heretofore issued in this case, in return thereto, respectfully says:

1. That he is and has been for more than seven (7) years past Inspector in Charge of the United State Immigration Service at the Port of Honolulu, Territory of Hawaii, and is the respondent in this case.
2. That he denies each and every paragraph and allegation contained in said petition, except as hereinafter admitted.
3. That he admits paragraph one and eleven of said petition.
4. That he denies that the said Lee Wah Leong and Lee Wah Ki are citizens of the United States of America, born on the Island of Maui, in the Hawaiian Islands, but alleges that said Lee Wah Leong and Lee Wah Ki are Chinese persons with-

out status entitling them to enter the United States.

5. That he denies that the said Lee Wah Leong and Lee Wah Ki are imprisoned and unlawfully restrained of their liberty [51] without authority of law by this respondent, but alleges that they are lawfully held in detention by authority of law by this respondent at the United States Immigration Station at Honolulu, Territory of Hawaii.

6. That he admits that the said Lee Wah Leong and Lee Wah Ki are not imprisoned under any process, judgment, decree or execution of any court, but alleges that they are held in detention under a decision or order of a competent tribunal regularly constituted according to law, namely, a Board of Special Inquiry lawfully appointed to pass upon the admissibility of aliens into the United States, which said decision or order is affirmed and approved by the Secretary of **Labor of the United States** on appeal.

7. The true cause of the detention of the said Lee Wah Leong and Lee Wah Ki is, they arrived at the Port of Honolulu from China on the steamer "Shinyo Maru" on the 3d day of September, 1919, and applied for admission to the United States, claiming to be citizens of the United States by reason of having been born in the Hawaiian Islands and therefore entitled to admission, although persons of the Chinese race who would be excluded from the United States were they aliens; but upon a full, fair and complete investigation at which they

were given ample opportunity to establish their citizenship and prove that they were born in the Hawaiian Islands, and after due consideration, they failed to prove their citizenship and were denied admission to the United States by said Board of Special Inquiry and ordered returned to China, the country from which they came, as Chinese persons who had failed to establish the status entitling them to admission, which said excluding decision and order was approved by the Secretary of Labor on appeal. A copy of the [52] proceedings of the Board of Special Inquiry with all the evidence on which the excluding decision was based is attached to and made a part of this return and marked "Exhibit "A."

8. That the respondent denies that the order of said Board of Special Inquiry and of the Secretary of Labor was based upon an unfair hearing and that it was a mere semblance of a hearing, but alleges that the said hearing was fair in every respect and was not the mere semblance of a hearing.

9. That he denies that the said Lee Wah Leong and Lee Wah Ki established a *prima facie* case of citizenship and are entitled to have the legality of their detention and restraint determined by a judicial tribunal, but asserts that they failed entirely to establish their citizenship, and that their case was fully and fairly heard by the proper tribunal established, appointed and constituted in accordance with law, namely, the said Board of Special Inquiry, and hence this court has no jurisdiction to

inquire further into the legality of their detention and restraint.

10. That he denies that the said Lee Wah Leong's and Lee Wah Ki's showing at said hearing was such as to establish a *prima facie* case and was such that there was no reason to doubt the fact of their identity as the persons born in Hawaii who they claimed to be, but alleges that many facts, circumstances and features of the case as shown by the record hereto attached fully justified said Board of Special Inquiry in holding that the said Lee Wah Leong and Lee Wah Ki failed to establish their identity with any persons born in Hawaii.

11. That he denies that any unfairness is shown by the [53] record on said hearing, that the said Board of Special Inquiry based their ruling on alleged discrepancies which were trivial and inconsequential and immaterial matters and on alleged discrepancies and uncertainties which were developed by their own unfair, incomplete and unthorough examination of witnesses; that there was any unfair examination of witnesses; that any of the real discrepancies on which they based their finding were fairly explained; that they did not give the said Lee Wah Leong and Lee Wah Ki and their witnesses full opportunity to explain all material discrepancies on which they relied; but he alleges that there were discrepancies and uncertainties which the said Le Wah Leong and Lee Wah Ki and their witnesses were unable to explain after having been given a fair opportunity to do so, that if there

are any minor and unimportant discrepancies in said record they were not taken into consideration by said Board of Special Inquiry, and that there were other discrediting features of the case besides discrepancies on which the said Board relied.

12. That he denies that the said Lee Wah Leong and Lee Wah Ki made out a *prima facie* case before said Board; that said Board insisted that the said Lee Wah Leong and Lee Wah Ki produce more witnesses; but alleges that after all the witnesses had been produced the said Board gave to the said Lee Wah Leong and Lee Wah Ki the opportunity to produce more in order to be just and fair, so that they might perhaps establish their Hawaiian birth by other witnesses if they had any after they had failed to do so by those produced at first, or that some of the discrepancies might be explained, and further more, because the Rules established by the Department of Labor governing the [54] admission of Chinese require that after a case has been taken the Board of Special Inquiry, if not fully satisfied of the admissibility of the applicant, shall give him an opportunity to produce further witnesses and to adduce more evidence. The said Board would not have denied the applicants admission because of the lack of knowledge of the additional witnesses if the evidence of the witnesses first produced had been satisfactory. The weight of evidence is for the Board to determine and the allegation of the said Lee Wah Leong and Lee Wah Ki that the

Board did not give due weight to any portion of the evidence is immaterial so long as the hearing was not unfair. The respondent alleges that there is nothing in the record to show unfairness on the part of the Board.

WHEREFORE, this respondent prays that the said Lee Wah Leong and Lee Wah Ki be denied a writ of habeas corpus and that they be allowed by this Honorable Court to remain in the custody of the respondent to be deported to China according to law.

(Sgd.) RICHARD L. HALSEY.

United States of America,  
Territory of Hawaii,—ss.

Richard L. Halsey, being first duly sworn according to law, deposes and says, that he is the Richard L. Halsey who has made the foregoing return to the order to show cause in the above-entitled cause; that he has read the return and knows the contents thereof, and that the facts therein stated are true.

(Sgd.) RICHARD L. HALSEY.

Subscribed and sworn to before me this 8th day of December, A. D. 1919.

(Sgd.) WM. L. ROSA,  
Deputy Clerk, United States District Court, Territory of Hawaii. [55]

(From the Minutes of the United States District Court, Territory of Hawaii.)

Tuesday, December 9, 1919.

(Title of Court and Cause.)

**Minutes of Court—December 9, 1919—Hearing.**

On this day came Mr. Charles F. Clemons, of the firm of Watson & Clemons, counsel for the applicant herein, and also came Mr. S. C. Huber, United States Attorney, counsel for the respondent, and this cause was called for hearing on return to the order to show cause. Thereupon and after due hearing and argument by counsel, the cause was taken under advisement by the Court.

HORACE W. VAUGHAN, District Judge presiding. [56]

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(From the Minutes of the United States District Court, Territory of Hawaii.)

Friday, February 13, 1920.

(Title of Court and Cause.)

**Minutes of Court—February 13, 1920—Hearing (Continued).**

On this day came Mr. Charles F. Clemons, of the firm of Watson & Clemons, counsel for the above-name applicant, and also came Mr. S. C. Huber, United States Attorney, counsel for the respondent herein, and this cause was called for hearing. Thereupon Lau Wah and Lee Wah Koon were called and sworn and gave testimony on behalf of

the applicant herein. Thereafter Mr. Edwin B. Farmer was called and sworn and gave testimony on behalf of the applicant. Thereafter, with the consent of counsel, it was by the Court ordered that this cause be continued until called for further hearing.

HORACE W. VAUGHAN, District Judge presiding. [57]

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(From the Minutes of the United States District Court, Territory of Hawaii.)

Friday, March 5, 1920.

(Title of Court and Cause.)

**Minutes of Court — March 5, 1920 — Hearing (Continued).**

On this day came Mr. Charles F. Clemons, of the firm of Wason & Clemons, counsel for the above-name applicant, and also came Mr. S. C. Huber, United States District Attorney, counsel for the respondent herein, and this cause was called for further hearing. Thereupon Chu Gem was called and sworn and gave testimony on behalf of the applicant herein, Lau Wah was recalled and gave further testimony on behalf of said applicant. The counsel for applicant having rested, Edwin B. Farmer was recalled by Mr. Huber and giving further testimony on behalf of the respondent, Hee Kwong was called and sworn and gave testimony on behalf of said respondent. Claimant's Exhibit "A" and "B" were admitted in evidence, marked

and ordered filed. Mr. Clemons thereupon submitted the cause upon the record. Mr. Huber argued and thereafter it was by the Court ordered that Mr. Clemons be given five days within which time to file briefs.

J. B. POINDEXTER, District Judge presiding.  
[58]

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(From the Minutes of the United States District Court, Territory of Hawaii.)

Friday, July 30, 1920.

(Title of Court and Cause.)

**Minutes of Court—July 30, 1920—Hearing (Continued).**

On this day came Mr. Charles F. Clemons, of the firm of Watson & Clemons, counsel for the applicant, and also came Mr. N. D. Godbold, Assistant United Attorney, on behalf of the respondent herein, and this cause was called for decision. Thereupon the Court rendered decision in favor of the respondent, ordering that the applicant be remanded to the custody of the respondent herein. Exception to said decision was entered by counsel for applicant and notice of appeal was given also.

J. B. POINDEXTER, District Judge presiding.  
[59]

Filed Jul. 31, 1920. A. E. Harris, Clerk. By  
(Sgd.) Wm. L. Rosa, Deputy Clerk.

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In the United States District Court in and for the  
Territory of Hawaii.

In the Matter of the Application of CHING YAM  
SING for a Writ of Habeas Corpus in Be-  
half of LEE WAH LEONG and LEE WAH  
KI.

**Judgment.**

Now, to wit, on this 30th day of July, A. D. 1920, Court being in session, Honorable J. B. Poindexter, a Judge thereof presiding, the above-entitled matter came on for hearing in its regular order, Watson & Clemons appearing as attorneys for petitioner, and S. C. Huber, United States Attorney, and N. D. Godbold, Assistant United States Attorney, appearing as attorneys for respondent.

The Court having heretofore heard and considered the evidence offered in the case and having heard and considered the arguments of the respective counsel, and being duly advised in the premises, finds the facts as alleged by respondent in his return to be sustained; and finds that the immigrants Lee Wah Leong and Lee Wah Ki were given a fair hearing as provided by law and the rules of the Immigration Department; and that they were not denied any legal right;

It is therefore hereby ORDERED, ADJUDGED and DECREED that the writ of habeas corpus here-

tofore issued be, and hereby is [60] dismissed; and that the said Lee Wah Leong and the said Lee Wah Ki be and hereby are remanded to the custody of the respondent Richard L. Halsey, United States Immigration Inspector in Charge at the Port of Honolulu, Territory of Hawaii; and that petitioner pay the costs of this proceeding in the sum of \$—.

(Sgd.) J. B. POINDEXTER,  
Judge, United States District Court, Territory of  
Hawaii. [61]

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In the United States District Court, Territory of Hawaii. In the Matter of the Application of Ching Yam Sing, for a Writ of Habeas Corpus in Behalf of Lee Wah Leong and Lee Wah Ki. Petition for Appeal. Filed Jul. 31, 1920. A. E. Harris, Clerk. By (Sgd.) Wm. L. Rosa, Deputy Clerk. [62]

In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Petition for Appeal.**

To the Honorable the Judge of said Court Presiding in Habeas Corpus Cases:

CHING YAM SING, the petitioner above named, in behalf of said Lee Wah Ki and Lee Wah Leong, conceiving himself aggrieved by the order and judg-

ment made and entered on the 31st day of July, 1920, in the above-entitled proceeding, does hereby appeal from the said order and judgment to the United States Circuit Court of Appeals for the Ninth Judicial Circuit of the United States, at San Francisco, in the State of California, and files herewith his assignment of errors intended to be urged upon appeal, and prays that his appeal may be allowed; and that a transcript of the record of all proceedings and papers upon which said order and judgment was made, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Judicial Circuit of the United States, at San Francisco, in the State of California.

Dated this 31st day of July, A. D. 1920.

CHING YAM SING,  
Petitioner.

By WATSON & CLEMONS,  
By (S.) C. F. C. CLEMONS,  
His Attorneys. [63]

Due and legal service of a copy of the foregoing petition for appeal is hereby acknowledged this 31st day of July, 1920.

RICHARD L. HALSEY,  
Respondent.

By (Sgd.) S. C. HUBER,  
United States Attorney, Hawaii. [64]

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In the United States District Court for the Territory of Hawaii. In the Matter of the Application of Ching Yam Sing, for Habeas Corpus in

Behalf of Lee Wah Leong and Lee Wah Ki. Assignment of Errors. Filed July 31, '20. A. E. Harris, Clerk. By (Sgd.) Wm. L. Rosa, Deputy Clerk. Watson & Clemons, Attorneys for petitioner, 417 Kauikeolani Building, Honolulu, T. H. [65]

In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

#### **Assignment of Errors.**

The petitioner-appellant says that in the record and proceedings in the above-entitled matter there is manifest error, and that the final record and judgment made and entered in said matter on the 30th day of July, 1920, is erroneous and against the just rights of said petitioner in this, to wit:

##### **I.**

That the Court erred in discharging the writ, because it appears by the petition and record herein that the persons, Lee Wah Leong and Lee Wah Ki, in whose behalf said petition was filed, were entitled to enter the United States.

##### **II.**

That the Court erred in finding and holding that said Lee Wah Leong and Lee Wah Ki, and each of them, were not citizens of the United States.

## III.

That the Court erred in finding and holding that said Lee Wah Leong and Lee Wah Ki, and each of them, were not born in the Territory of Hawaii.  
[66]

## IV.

That the Court erred in making and entering decree herein in favor of the respondent and against the petitioner.

WHEREFORE, by the law of his land the writ of habeas corpus issued herein should have been made absolute and the petitioner have been discharged from custody and permitted to land and remain in the United States of America.

Dated this 30th day of July, A. D. 1920.

WATSON & CLEMONS,

Attorneys for Petitioner.

By (Sgd.) C. F. CLEMONS.

Received a copy of the above assignment of errors.

(Sgd.) S. C. HUBER,

U. S. Atty.,

Attorney for Respondent. [67]

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In the United States District Court for the Territory of Hawaii. In the Matter of the Application of Ching Yam Sing, for a Writ of Habeas Corpus in Behalf of Lee Wah Leong and Lee Wah Ki. Bond on Appeal. Filed Jul. 31, 1920. A. E. Harris, Clerk. (S.) Wm. L. Rosa, Deputy Clerk.  
[68]

In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Bond on Appeal.**

KNOW ALL MEN BY THESE PRESENTS, that we, Ching Yam Sing, in behalf of Lee Wah Leong and Lee Wah Ki, as principal, and Ching Chow and Yuen Kwock, as sureties, all of Honolulu, City and County of Honolulu, Territory of Hawaii, are held and firmly bound unto the United States of America in the sum of Five Hundred Dollars (\$500), lawful money of the United States of America, for the payment of which well and truly to be made we bind ourselves and our, and each of our, heirs, executors and administrators, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT WHEREAS, a writ of habeas corpus has issued out of the above-entitled court, directed to Richard L. Halsey, Esquire, respondent, directing him to have and produce the body of the said above-named Lee Wah Leong and Lee Wah Ki before the said United States District Court in and for the District and Territory of Hawaii; and

WHEREAS, the question of the imprisonment and detention of the said Lee Wah Leong and Lee Wah Ki and their right to discharge under the said

writ of habeas corpus has been submitted to the United States District Court in and for the District and Territory of Hawaii, and by that court decided adversely to the petitioner; and [69]

WHEREAS, the said Ching Yam Sing in behalf of said Lee Wah Leong and Lee Wah Ki has appealed from said decision and judgment of the District Court of the United States in and for the District and Territory of Hawaii to the United States Circuit Court of Appeals for the Ninth Judicial Circuit of the United States, at San Francisco, in the State of California,—

NOW, THEREFORE, if the said Ching Yam Sing, petitioner-appellant in behalf of said Lee Wah Leong and Lee Wah Ki, shall prosecute his appeal to effect and shall answer, and pay all costs to which the respondent-appellee in said appeal shall be entitled, if said petitioner-appellant fails to make good his said appeal, and if he shall pay all costs further to accrue or be chargeable against him on account of said appeal, and if he and the said Lee Wah Leong and Lee Wah Ki shall abide by and perform whatever judgment, decree, or/and order may be rendered or made by said Circuit Court of Appeals or on the mandate of said Circuit Court of Appeals, then this obligation shall be void; otherwise the same shall remain in full force and effect.

IN WITNESS WHEREOF the said principal and sureties have hereunto set their hands and seals at Honolulu, City and County of Honolulu, Terri-

territory of Hawaii, this 31st day of July, A. D. 1920.

(Sgd.) CHING YAM SING, (Seal)  
Principal.

(Sgd.) CHING CHOW, (Seal)

(Sgd.) YUEN KWACK, (Seal)

Sureties. [70]

United States of America,  
Territory of Hawaii,  
City and County of Honolulu,—ss.

Ching Chow and Yuen Kwock, being first duly sworn on oath depose and say, each for himself and not one for the other, that they are property owners and resident of said Honolulu, and are each worth more than double the amount of the penalty of the foregoing bond or undertaking over and above their just debts and liabilities and property exempt from execution.

(Sgd.) CHING CHOW.

(Sgd.) YUEN KWOCK.

Subscribed and sworn to before me this 31st day of July, 1920,

[Seal] (S.) J. R. KENNY,  
Notary Public, First Judicial Circuit, Territory of Hawaii.

Approved as to form, amount and sufficiency of sureties.

(S.) J. B. POINDEXTER,  
Judge, United States District Court, District of Hawaii.

(S.) S. C. HUBER,  
United States District Attorney, District of Hawaii.

[71]

In the United States District Court, Territory of Hawaii. In the Matter of the Application of Ching Yam Sing for a Writ of Habeas Corpus in Behalf of Lee Wah Leong and Lee Wah Ki. Order Allowing Appeal. Filed Jul. 31, 1920. A. E. Harris, Clerk. By (Sgd.) Wm. L. Rosa, Deputy Clerk.  
[72]

In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Order Allowing Appeal.**

Upon the application and motion of Watson & Clemons, attorneys for the above-named petitioner:

It is hereby ordered that the petition for appeal heretofore filed herein by Ching Yam Sing, in behalf of Lee Wah Leong and Lee Wah Ki, be and the same is hereby granted; and that an appeal to the United States Circuit Court of Appeals for the Ninth Judicial Circuit of the United States, from the final order and judgment heretofore, on July 31st, 1920, filed and entered herein, be and the same is hereby allowed, and that a transcript of the record of all proceedings and papers upon which such final order and judgment was made, duly certified and authenticated, be transmitted, under the hand and seal of the Clerk of this Court, to the United States Circuit Court of Appeals for the Ninth Ju-

dicial Circuit of the United States at San Francisco, in the State of California.

Dated, this 31st day of July, 1920.

(Sgd.) J. B. POINDEXTER,

Judge of said Court. [73]

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In the United States District Court for the Territory of Hawaii. In the Matter of the Application of Ching Yam Sing for a Writ of Habeas Corpus in Behalf of Lee Wah Leong and Lee Wah Ki. Notice of Filing of Bond on Appeal. Filed Aug. 9, 1920. (S.) Wm. L. Rosa, Clerk. [74]

In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Notice of Filing of Bond on Appeal.**

To Richard L. Halsey, Esq., Immigration Inspector in Charge at the Port of Honolulu, Respondent, and His Attorney, S. C. Huber, Esq., United States District Attorney:

You are hereby notified that the appellant, the petitioner above named, has filed in the United States District Court for the Territory of Hawaii, a bond in the sum of Five Hundred Dollars (\$500) in accordance with the rules of the United States

Circuit Court of Appeals for the Ninth Circuit, and the names and residences of the sureties who have executed said bond on appeal in this suit, a copy of which is attached hereto, and made a part hereof, are as follows:

Yuen Kwock, who resides at No. 1709 J. Center Drive, in Honolulu, Island of Oahu, said Territory, and does business at 1152 Nuuanu Street, said Honolulu (manager of Fong Inn Co.), and whose postoffice address is P. O. Box 999, Honolulu, Hawaii,

Ching Chow, who resides at No. 1127 Banyan Street, said Honolulu, and does business at No. 177 North King Street, said Honolulu (manager of Wing Hong Yuen Co.), and whose postoffice address is P. O. Box 1021, Honolulu, Hawaii, and they are the sureties on said bond filed in this court in this suit on [75] appeal from the final decree made and entered herein in the United States District Court for the Territory of Hawaii, and from which final decree the said petitioner-appellant has appealed and filed his notice of appeal.

Dated, Honolulu, Hawaii, this 4th day of August, A. D. 1920.

CHING YAM SING,

Petitioner-Appellant.

By WATSON & CLEMONS,

His Attorneys,

By (S.) C. F. CLEMONS. [76]

In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Stipulation.**

It is hereby stipulated and agreed by and between the parties hereto that in the record on appeal there may be substituted for the original exhibits herein (passenger list S. S. "Korea" ex Honolulu, April 29, 1907, and S. S. "Persia" ex Honolulu, June 25, 1907), for consideration by the Appellate Court on the petitioner's appeal, the transcript thereof hereto annexed; also that the annexed paragraph "9½" offered at the hearing may be regarded as added to the petition herein by amendment.

WATSON & CLEMONS,  
E. M. WATSON,  
C. F. CLEMONS,  
By (Sig.) C. F. CLEMONS,  
Attorneys for Petitioner-Appellee.  
(Sig.) S. C. HUBER,  
United States Attorney,  
Attorney for Respondent-Appellant.

Approve:

(Sig.) H. B. POINDEXTER,  
Judge of said Court. [77]

9½. That said hearing before said Board was, also, unfair, in that said Board based their adverse finding in part on the fact of the absence of any showing of the coming of Lum Shee, the mother of said minors, to Hawaii, but said Board did not make a full and complete search of the steamship and other records, which show that said mother arrived at Honolulu in said Hawaii on the Steamship "Doric" on July 16, 1898; and that said hearing was also unfair in that the search made by said Board in said hearing was not sufficiently extensive, and in this behalf the petitioner refers to page of said Record. [78]

#### OATH TO OUTWARD PASSENGER LIST.

District of Hawaii,

Port of Honolulu.

I, S. Sandberg, Master of the Am. S. S. "Korea," do solemnly, sincerely, and truly swear that the following List or Manifest, subscribed by me, and now delivered to the Collector of the Customs at the Port of Honolulu, is a full and correct List of all of the passengers taken on board the said vessel at Honolulu, from which port said vessel is now about to sail, and that on said List is truly designated the name, age, sex, calling of each of the said passengers, the country to which each belongs, the port of embarkation, and the number of pieces of baggage carried by each; and, in respect to emigrants, said List further shows the native country, the intended

destination, and the location of the space or compartment occupied by each. So help me God.

S. SANDBERG,  
Master.

Sworn to this 29th day of April, 1907, before me,  
(Seal) M. H. DRUMMOND,

Deputy Collector of Customs.

LIST OR MANIFEST OF ALL THE PASSENGERS taken on board the Am. S. S. "Korea" whereof S. Sandberg is Master, from Honolulu; burthen . . . . . tons.

Name	Age		Call- ing	Coun- try of which they are sev- erally citizens	Bag- gage No pieces	Na- tive Coun- try of Emi- grants	Inten- ded desti- nation or Lo- cation	Lo- ea- tion of Com- part- ment	D v a e de
	Yrs.	Mo.							
Wing	49		M	labor	China	4	China	Honkong	Asiatic
Chee	47		"	"	"	6	"	"	"
ng You	34		"	"	"	12	"	"	"
rs. Pong See	22		F	wife	"	4	"	"	"
ng See (Infant)	6		M	infant	"		Hawaii	"	"
ah Quan (boy)	3		"	Boy	"		"	"	"
a Shin (girl)	2		F	child	"		"	"	"
n	42								
han Sa (infant)	4	mos.							
han Sa (boy)	2	yrs.							[79]

## OATH TO OUTWARD PASSENGER LIST.

District of Hawaii,

Port of Honolulu.

I, Andrew Dixon, Master of the British S. S. "Persia," do solemnly, sincerely, and truly swear that the following List or Manifest, subscribed by me, and now delivered to the Collector of the Customs of the Port of Honolulu, is a full and correct List of all the passengers taken on board the said vessel at Honolulu, from which port said vessel is now about to sail, and that on said List is truly designated the name, age, sex, calling of each of the said passengers, the country to which each belongs the port of embarkation, and the number of pieces of baggage carried by each; and, in respect to emigrants, said List further shows the native country, the intended destination, and the location of the space or compartment occupied by each. So help me God.

A. DIXON,

Master.

Sworn to this 25th day of June, 1907, before me

(Seal)

M. H. DRUMMOND,

Deputy Collector of Customs.

LIST OR MANIFEST OF ALL THE PASSENGERS taken on board the British S/S. "Persia" whereof Andrew Dixon is Master, from Honolulu; burthen ..... tons.

Name	Age Yrs. Mo. Sex	Call- ing	Coun- try of which they are sev- erally citizens	Bag- gage No pieces	Na- tive Coun- try of Emi- grants	Inten- ded desti- nation or Lo- cation	Lo- ea- tion of Com- part- ment	Died on voyage and cause of death
Lu Chung	38	M labor	China	3	China	Hongkong	Asiatic	
.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	Five intervening names omitted.
.....	.....	.....	.....	.....	.....	.....	.....	.....
Mrs. Chang See (infant)	36	F wife	“	8	“	“	“	“
Chang See (infant)	8	M infant	“	“	Hawaii	“	“	“
Ah Sim	8	F child	“	“	“	“	“	“
Ah Sung	7	F “	“	“	“	“	“	“
Ah Choy	4	M “	“	“	“	“	“	“
Ab. W.	2	G “	“	“	“	“	“	“

Five intervening names omitted.

In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**TRANSCRIPT OF TESTIMONY.**

Judge HORACE W. VAUGHAN, Presiding. [81]  
Messrs. WATSON & CLEMONS, for the Applicants Herein.

S. C. HUBER, United States Attorney, for Respondent, Richard L. Halsey.

LAU WAH called, sworn.

Direct Examination by CHARLES F. CLEMONS.

Q. Your name? A. Lau Wah.

Q. You are of Chinese descent? A. Yes.

Q. Are you not familiar, Lau Wah, with the Chinese language, both spoken and written, in several dialects? A. Yes.

Q. At my request you made an examination of the steamship records at the Immigration Station covering several years around 1908 to see if you could discover the names of the two boys in behalf of whom this petition is brought, en route from Honolulu to China?

A. For the purpose of searching for the record of two boys by the name of Wah Kee and Wah Leong but I could not find any record showing these two

names but I did find the names Wah Quan and Wah Shin.

Mr. CLEMONS.—Q. Did you look for boys of any particular age?

A. Yes, one three years old and the other two years and I found the names Wah Quan and Wah Shin.

Q. I gave you the testimony and record in this case for the Immigration Board so that you could see just what boys we wanted to find out about?

A. Yes, you did. [82]

Q. The nearest you could find was according to this statement?

“S/S. Korea left Port of Honolulu April 29, 1907.

Yong You age 34 years

Mrs. Pong See age 22 years

Infant age 6 months

Wah Quan age 3 years

Wah Shin age 2 years.”

A. Yes.

The COURT.—Q. You said you searched some record; what record did you search?

A. I searched the records of the Steamship Company given me by Mr. Farmer and Mr. Halsey,—the records of the Steamship Company showing the passengers leaving the Territory during the years 1905, 1906, 1907 and 1908.

Q. For what country?

A. Leaving for Hong Kong.

Q. So the records you were searching were those containing the names of passengers departing from Honolulu for Hong Kong? A. Yes.

Mr. CLEMONS.—If your Honor pleases, at the time in question the rules required that duplicate of the records of the Steamship Company be filed, one for the Customs and one for the Immigration Station, I believe, and Mr. Farmer produced a record, not the one which Lau Wah examined, but produced another one.

The COURT.—Supposed to be a copy of the one Lau Wah saw?

A. I don't know; this one shows that one of the parties was a girl and not a boy; the other record shows two boys, and there was a column to indicate the birth place of each passenger.

Mr. CLEMONS.—Q. The name Wah, is that the name of a boy or a girl?

A. It is the name of a boy. It is the Chinese custom, and any Chinese here could tell you the same that boys' names are not given to girls. [83]

Q. So these names Wah Quan and Wah Shin are the names of boys? A. Yes.

The COURT.—Q. If I understand you, the name "Wah" is a name that is given to boys only and not to girls? A. Yes.

Mr. CLEMONS.—Q. Now, Lau Wah, regarding the incoming passenger list, you went to the Archives, did you not, to find the name of the mother of the two boys?

A. The name in the record and also the testimony you told me to look up was that the mother came here before annexation, so I went down to find the woman's name, Lum She, and found also a record showing that that woman came here to join her husband; that was exactly the testimony given in your office by some of the witnesses.

The COURT.—Q. You went to the Archives?

A. Yes.

Q. What Archives?

A. The public Archives in the Capitol grounds.

Mr. CLEMONS.—Q. Mr. Lydecker's office?

A. Yes.

Q. Referring to this, could you state the name of the boat and the date?

A. I found on that record that the S/S. "Doric" arrived here July 16, 1898, and that Lum She was on it, 23 years old, coming to join her husband.

Q. Does that age correspond with the age of the one in the record?

A. I don't know; according to the testimony given by one or two witnesses in your office a man by the name of Lee Lum or Lee Tim Po came with the mother and I also found that name on the passenger list. [84]

Mr. HUBER.—I object to that statement.

Objection sustained.

Mr. HUBER.—Q. How many Lum Shes did you note?

A. Well, Lum She is generally a woman's name, a woman's first name, a temporary name.

Mr. HUBER.—The mere fact that you found the name Lum She would not indicate any particular Lum She any more than Smith, Jones, or a name of that kind would.

Mr. CLEMONS.—This is the Lum She that came to join her husband and came at the time corresponding to the statement in the record; that is so, is it not?

A. Yes.

Mr. HUBER.—Q. What is the statement in the record, Lau Wah?

A. The testimony told by some witnesses.

Mr. HUBER.—Q. You found that this Lum She came in what year?

A. 1898.

Mr. HUBER.—Q. Now, isn't it true that the record in this case shows that she came to Honolulu in 1902 or 3?

Mr. CLEMONS.—Without stating details, Lau Wah, did you look for the Lum She who corresponded with the testimony in this record?

Mr. HUBER.—I object to that question as incompetent, irrelevant and immaterial.

The COURT.—Let him state what he was looking for in the record. [85]

Mr. HUBER.—If the Court please, I think we can simplify this by stating that a Lum She came to Hawaii at the time he testifies—that a Lum She came to Hawaii in 1898, came to join her husband—I am willing to admit that.

The COURT.—If I understand you, Lum She simply means Mrs. Lum—it is not like Mary in Mrs. Mary Smith, just Mrs. Smith. According to the Chinese custom they simply call her by her husband's name. You were searching the record to find out whether Mrs. Lum came to Hawaii; the substance of your testimony is that you did find from the record that a Mrs. Lum did come to this Territory on July 16, 1898, to join her husband. Now, let me understand the testimony as to the boys: You were searching the records that are made up by the Steamship Company for the purpose of finding out whether or not two boys, of names such as those of the boys in this case, left Hawaii at any time during the years 1905, 6, 7, and 8; that was why you were searching the record of the Steamship Company? A. Yes.

Q. What record did you search?

A. The record kept at the Immigration Station.

Q. Now, about this name Wah given to boys only; don't the Chinese sometimes name a girl Wah? Have you ever known of a girl named Wah?

A. No, Wah is a boy's name: the Chinese believe in idols and they always name the boys that one word and the girls with one word; they never name a girl the same as a boy.

Q. They give their children only one name?

A. Yes.

Q. They do not give them two names the first time, and they never give a girl a boy's name?

A. No.

Q. It is the Chinese custom to take on other names at various times in life but the name given to a child is only one name [86] as I understand it. A. Yes.

Q. Do they give two boys in the same family the same name? A. Yes, but not a girl and a boy.

Q. If a boy is born and they name him Wah—well, suppose another boy is born two years later, do they name him Wah also?

A. Yes; they may name him Wah Lee but afterwards if a girl is born they would not use the Wah; they generally use some girl's name.

Mr. HUBER.—Q. The two names that you found are Wah Quan and Wah Shin? A. Yes.

Mr. FARMER (to Lau Wah).—Q. Do I understand you, Lau Wah, to say that the other record is the same as this except that the two children are shown as boys?

A. Yes. The other record shows that both are boys; at the top of the page is the letter "M" which means male.

The COURT.—Q. If I understand you, you also state that you found the statement that they were born in Hawaii? A. Yes.

Then, this book right here is another copy?

Mr. HUBER.—There are two records made by the same officer, one filed with the Customs and one by the Immigration.

HEE KWONG called, sworn.

The COURT.—You want to prove by Hee Kwong that a man by the name of Lee Lum came to Hawaii at the same time as Lum She?

Mr. HUBER.—I am willing to admit that this witness could testify that he knew or heard that Lee Lum came over on the same boat with Lum She. [87]

The COURT.—Let the record show that his witness appeared and testified that a man by the name of Lee Lum came to Hawaii at the same time as Lum She, the alleged mother of these boys. Let the record also show that this man could testify that he is a cousin of these two boys on whose behalf this writ is made. Now, I understand that you agree to produce the record before the Court that was referred to by the witness, Lau Wah, and agree upon a statement to be incorporated in the record in this case as a part of the testimony?

Mr. CLEMENS.—Yes.

Mr. HUBER.—Now, if the Court please, I would like to take Mr. Farmer's testimony.

Mr. EDWIN FARMER called, sworn.

Q. What is your name? A. Edwin Farmer.

Q. What official position, if any, do you hold?

A. Immigration inspector.

Q. At the Port of Honolulu? A. Yes.

Q. How long have you held such position?

A. For nearly ten years.

Q. Mr. Farmer, I present to you this record and ask you to state to the Court what the record is, confining particularly to the page now before you or the record of which that page is a beginning.

A. The book is one in which we have placed passenger lists of steamers departing.

The COURT.—Q. By whom is it kept?

A. It is kept by the Collector of Customs. [88]

Q. By whom is it made out?

A. It was made out by the Steamship Company and sworn to by the captain of the steamer and filed with the Customs' people.

Q. Showing what?

A. Showing the names and ages and other information of all persons leaving the Port of Honolulu for the foreign port to which the vessel is going.

Mr. HUBER.—Q. Now, the page open before you is what?

A. It is a portion of the record of the S/S. "Korea" which departed on April 29, 1907.

Q. Departed from where?

A. From the Port of Honolulu.

Q. Is this book and the records it contains a part of the official records of the Immigration Station at Honolulu?

A. Yes, I might say that the custody of this book was transferred to us by the Customs-house by order of the Secretary of the Treasury and the Secretary of Labor.

Q. Now, Mr. Farmer, another and different record, presumably covering information as to passengers on this same voyage, has been referred to by the witness, Lau Wah. State, if you know, what the nature of that record is?

A. I don't know for certain what record the witness, Lau Wah, referred to, but I am well satisfied that he referred to another record somewhat similar to this which was a record of steamers departing from the Port of Honolulu to various ports, which

was required to be filed with the Immigration Inspector in charge of Immigration at this Port. For some time this record was filed with the Customs and another record of departing passengers was filed with the Inspector of Immigration so that for several years there were two records; [89] there were various changes made in regard to the rules and regulations concerning these records and I cannot state from memory exactly what all the rules and regulations were except that I know this fact; that the records were in duplicate for several years or partially in duplicate, because I know at one time that it was only aliens who were departing passengers whose names had to be filed with the Immigration Department, but as I say, there were various changes in these rules and they were changed quite often and I could not say what the rules were at this particular time, but whatever the record is I am sure that I can find it at the Immigration Station.

Mr. HUBER.—Q. Mr. Farmer, you have stated that while you are not certain that the record referred to by the witness, Lau Wah, is what you have characterized as a duplicate record to be filed with the Immigration people at the same time as this record was filed with the Customs, that you believe it is.

Mr. CLEMONS.—I would prefer that Judge Vaughan see the other record. Mr. Farmer, you gave me a certain record to look through, did you not, while Lau Wah was down there. Whatever

books he looked at, they were books that you furnished him to see?

A. Yes. The reason that I gave them to him was because the Customs-house records were full and complete whereas the Immigration records were not full and complete at all times. [90]

I hereby certify that the foregoing transcript is a true and correct and full transcript of the evidence and proceedings taken in the above-entitled matter in re Ching Yam Sing, transcribed from the stenographic notes taken by me in open court.

IN WITNESS WHEREOF I hereby set my hand this 23d day of December, 1920.

(Sgd.) MARGUERITE RAWLEY. [91]

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In the United States District Court for the Territory of Hawaii. In the Matter of the Application of Ching Yam Sing for a Writ of Habeas Corpus in Behalf of Lee Wah Leong and Lee Wah Ki. Citation on Appeal. Filed July 31, '20. A. E. Harris, Clerk. By Wm. L. Rosa, Deputy. [92]

In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

### Citation on Appeal.

United States of America,—ss.

The President of the United States, to RICHARD L. HALSEY, Immigration Inspector in Charge at the Port of Honolulu, Respondent, GREETING:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be held at the city of San Francisco, in the State of California, within thirty days from the date of this writ, pursuant to an order allowing an appeal, filed in the clerk's office of the United States District Court for the Territory of Hawaii, wherein Ching Kam Sing is appellant, and you, Richard L. Halsey, are appellee, to show cause, if any there be, why the judgment in said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable EDWARD DOUGLAS WHITE, Chief Justice of the Supreme Court of the United States of America, this 31st day of July, 1920, and of the Independence of the United States the one hundred and forty-fourth.

J. B. POINDEXTER,  
Judge, U. S. District Court.

[Seal]

Attest: WM. L. ROSA,  
Clerk, U. S. District Court.

Honolulu, July 31st, 1920.

Received a copy of the within citation July 31st, 1920.

RICHARD L. HALSEY,  
Inspector as Aforesaid,  
By S. C. HUBER,  
His Attorney. [93]

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In the United States District Court for the Territory of Hawaii.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH LEONG and LEE WAH KI.

**Praeclipe for Transcript of Record.**

To the Clerk, United States District Court for the Territory of Hawaii:

You will please prepare transcript of the record in the above-entitled matter, to be filed in the office of the Clerk of the Circuit Court of Appeals for the Ninth Circuit at San Francisco, and include therein the following pleadings, papers and proceedings, to wit:

1. Petition for writ of habeas corpus, with record of immigration proceedings annexed thereto.
2. Order to show cause.
3. Return of respondent to order to show cause.
4. Judgment.
5. Petition for appeal.
6. Assignment of errors.
7. Bond on appeal.

8. Order allowing appeal.
9. Notice of filing bond on appeal.
10. Exhibits.
- 10a. Stipulations.
11. Clerk's minutes of proceedings.
- 11a. Transcript of testimony.
12. Citation on appeal.
13. This praecipe.

Said transcript to be prepared and filed as required by law and the rules of the Circuit Court of Appeals for the Ninth Circuit.

CHING KAM SING,  
By WATSON & CLEMONS  
His Attorneys.  
By (Sgd.) C. F. CLEMONS. [94]

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In the District Court of the United States in and for the District and Territory of Hawaii.

No. 152.

In the Matter of the Application of CHING YAM SING for a Writ of Habeas Corpus in Behalf of LEE WAH SING and LEE WAH KI.

**Certificate of Clerk U. S. District Court to Transcript of Record.**

I, Wm. L. Rosa, Clerk of the District Court of the United States for the Territory of Hawaii, do hereby certify that the foregoing pages, numbered from 1 to 94, inclusive, to be a true and complete transcript of the record and proceedings had in said court in the matter of the application of Ching

Yam Sing, for a writ of habeas corpus in behalf of Lee Wah Sing and Lee Wah Ki, as the same remains of record and on file in my office, and I further certify that I hereby annex the original citation on appeal and twelve orders extending time to transmit record on appeal in said cause.

I further certify that the cost of the foregoing transcript of record is \$32.95 and that the applicant in this cause has paid said amount.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court this 10th day of August, A. D. 1921.

[Seal] WM. L. ROSA,  
Clerk United States District Court, Territory of  
Hawaii. [95]

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[Endorsed]: No. 3775. United States Circuit Court of Appeals for the Ninth Circuit. Ching Kam Sing, Appellant, vs. Richard L. Halsey, as Immigration Inspector in Charge at the Port of Honolulu, Appellee. Transcript of Record. Upon Appeal from the United States District Court for the Territory of Hawaii.

Received August 23, 1921.

F. D. MONCKTON,  
Clerk.

Filed September 21, 1921.

F. D. MONCKTON,  
Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.

By Paul P. O'Brien,  
Deputy Clerk.

